

Diane Lothamer responded that she would be against amending the agenda to include action by the board because the public had not been informed of this agenda item but that discussion of the issues would be okay.

Ramon Reed said that he agreed with Ms. Lothamer.

Butch Clark said that without resolution of these issues it would be difficult to make August payments.

President Trampe noted, in response to Mr. Clark, that the resolutions for check signatures are in place.

Butch Clark suggested that the existing resolutions stand and that the board authorize two additional board members to approve invoices.

Tyler Martineau said that recommendation for approval of invoices needs to be done by someone on a day-to-day basis. Mr. Martineau said that he needs to do the preliminary approval. Mr. Martineau said that if there is board concern about new resolutions and notification to the public then let the resolutions adopted at the last board meeting stand.

Ramon Reed said that the board can simply direct Tyler Martineau and Butch Clark to sign the checks until the next meeting.

Butch Clark said that Mr. Reed's suggestion could work. Mr. Clark invited other board members to review the individual invoices of the District.

Lee Spann said that his view is that the board is a policy board and not an administrative operations board. Mr. Spann said that it is important that the board have belief in the competence of the staff for day-to-day administration.

Butch Clark said to do what Tyler Martineau recommended.

Diane Lothamer moved that the agenda be amended in accordance with the memorandum submitted regarding the separation of bookkeeping functions for discussion of the recommendations of the treasurer, Butch Clark, and the manager, Tyler Martineau. Ramon Reed seconded the motion. The motion carried.

2. SEPARATION OF BOOKKEEPING FUNCTIONS

President Trampe asked if the board was finished with discussion on recommendation #1 which recommended that the board pass new resolutions authorizing board members only to sign checks. There was clarification on the numbering of recommendations.

Upper Gunnison River Water Conservancy District

M E M O R A N D U M

TO: Board Members,
Upper Gunnison River Water Conservancy District

FROM: Tyler Martineau *TM*

DATE: August 3, 1994

SUBJECT: Agenda Item 8, August 8, 1994, Board Meeting --
Bookkeeping Services Contract.

Attached is a draft copy of the bookkeeping services contract that John McCloy has drafted for Ayraud Accounting. As of today Butch Clark, Clair Ayraud, and I have agreed to some changes in the contract that I have inserted in the draft. It is possible that we may have additional changes to recommend to the board at the meeting on August 8.

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AGREEMENT FOR BOOKKEEPING SERVICES

This Agreement is entered into and effective August __, 1994, between The Upper Gunnison River Water Conservancy District (District), a water conservancy district established under the Water Conservancy Act, and Claire D. Ayraud, doing business as Ayraud Accounting (Ayraud).

1. Employment. The District shall employ Ayraud, and Ayraud shall serve the District, on the terms and conditions set forth in this Agreement.

2. Term. This Agreement shall commence on August ____, 1994, and continue until and including December 31, 1994.

3. Duties. During her employment hereunder, Ayraud shall perform the following services for the District, and such other bookkeeping services as are from time to time requested by the President, Treasurer, or Manager of the District:

a. Prepare monthly payroll for ~~two~~ employees and maintain all other payroll records, including:

i. Individual payroll records;

ii. Monthly payroll records;

iii. Quarterly payroll reports;

iv. Yearly payroll reports;

v. Colorado and federal quarterly unemployment deposits and tax reports;

vi. Federal and Colorado withholding deposits;

vii. W2, 1099 and associated reports at year's end;

viii. Worker's compensation audit reports as required;

check register

b. Receive a checklist and set of submittals from the District including invoices ~~for payment~~, county treasurer's reports of property tax revenues received by the District, and bank statements;

c. Record all funds received by the District including property tax revenues, and bank interest.

d. Reconcile all bank and investment accounts once per month.

- e. Maintain a summary of interest rates on District bank accounts and expiration dates on certificates of deposit.
- f. Keep a general journal, posting all receipts and disbursements.
- g. Monthly, to prepare a balance sheet, and statement of revenues and expenses (budget vs. actual, monthly and year-to-date), a listing of operational expenses paid in each month and a listing of operational expenses payable upon approval by the District for each month, said reports to be delivered to the District six (6) days prior to the monthly Board of Directors meeting.
- h. Compile bookkeeper's information needed for the District's annual audit.
- i. Alert the Treasurer to any proposed disbursements not in compliance with the purchasing policy or to any unbudgeted expenditures.
- j. Perform other tasks on a per hour basis as necessary to carry out the bookkeeping functions for the District.

← Insert A
(see page 4)

4. Compensation. As compensation for the performance of the duties and responsibilities set forth herein, Ayraud shall be paid by the District at the rate of fifteen dollars (\$15.00) per hour; provided, however, that the District reserves the right to review and approve the total dollar amount billed by Ayraud for bookkeeping services for any month. Ayraud shall provide a monthly billing to the District which shall contain a description of the bookkeeping services provided to the District during the preceding month. The District shall review each billing at the next regular meeting of the Board of Directors following receipt of the billing by the District and approve for payment such amount as the Board deems appropriate.

5. Independent Contractor. Ayraud is retained only for the purposes and to the extent set forth in this Agreement, and her relationship to the District shall be that of an independent contractor. As such, Ayraud shall not be entitled pension, insurance or similar benefits which are or may be available to employees of the District. Subject to the requirements of paragraph 3, as an independent contractor, Ayraud shall be free to devote her time and attention to such activities as she wishes, devoting only such time and attention to services performed for the District pursuant to this Agreement as Ayraud deems necessary and appropriate.

6. Termination of Agreement.

- a. Without cause, either party may terminate this Agreement upon sixty (60) days written notice.

- b. With cause, this Agreement may be terminated by the District by delivery of written notice of termination to Ayraud.
- c. Upon the effective date of termination of this Agreement, all documents, books, records, files and any other property of the District in the custody or control of Ayraud shall be immediately surrendered to the District, and Ayraud expressly waives any claim to such material by virtue of it being work product.

7. Mediation. In the event of any dispute relating to this Agreement, the parties agree to submit such dispute to mediation with a mediator agreed upon by the parties. In the event the parties fail to resolve the dispute by mediation within thirty (30) days from the date of a notice by either party requesting mediation, the parties agree that the matter shall be submitted to binding arbitration. The arbitration shall be governed by Colorado law and shall be conducted according to the Commercial Arbitration Rules of the American Arbitration Association.

8. Miscellaneous.

a. All notices and other communications required or permitted under this Agreement shall be in writing and shall be, as determined by the person giving such notice, either hand delivered, mailed by certified mail, return receipt requested to the required party at the following addresses:

DISTRICT: Upper Gunnison River Water Conservancy District
275 South Spruce Street
Gunnison, Colorado 81230
Attention: Tyler Martineau

^R
AYAUD: Claire D. Ayraud
^ Ayraud Accounting
Post Office Box 311
Crested Butte, Colorado 81224

Notice shall be deemed delivered at the time of personal delivery, or when mailed to the required party. Either party may change its address by giving written notice of a change of address to the other party in the manner provided in this paragraph.

b. This Agreement is executed in Gunnison County, Colorado, and shall be interpreted, construed and governed by the laws of the State of Colorado.

c. This Agreement may be executed in counterparts, each of which shall for all purposes be deemed an original and all of which together shall constitute one and the same

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agreement.

d. This Agreement constitutes the entire and only agreement between the District and Ayraud. All prior negotiations, agreements, representations and understandings, whether written or oral, are merged into and superseded by this Agreement and shall be of no further force and effect.

**UPPER GUNNISON RIVER WATER
CONSERVANCY DISTRICT**

ATTEST:

By: _____
William S. Trampe, President

Mark Schumacher, Secretary

Claire D. Ayraud

Insert A : (Item 3g, page 2)

It is understood that these statements will be preliminary only and that the bank reconciliation will be performed after this deadline with any necessary changes made and reported at the next scheduled meeting.

may

Upper Gunnison River Water Conservancy District

M E M O R A N D U M

TO: Board Members,
Upper Gunnison River Water Conservancy District

FROM: Tyler Martineau *TM*

DATE: July 29, 1994

SUBJECT: Agenda Item 9, August 8, 1994, Board Meeting --
Consideration of Resolutions Amending Signature and
Countersignature Authorizations for Checks Issued in
the Name of the District.

As was discussed with the board at the special meeting on July 25 Bev Tezak, our accountant, continues to recommend that the manager not have the dual authority to approve invoices for payment and to sign checks for the District. The four resolutions which are attached would satisfy her recommendation. On each resolution is a blank for a board member name to be entered. This board member designation would be in place of the manager, whose name was entered in this location in the four resolutions which the board passed at the July 11, 1994 board meeting.

RESOLUTION 94-_____

I HEREBY CERTIFY that I am the duly elected and qualified Secretary of the Upper Gunnison River Water Conservancy District and the keeper of the records and seal of said District and the following is a true and correct copy of a resolution duly adopted at a regular meeting of the Board of Directors of said District held in accordance with the By-Laws of said District on the 8th day of August, 1994.

"Whereas, On July 12, 1993 The Board of Directors of the Upper Gunnison River Water Conservancy District (The Board) designated the First National Bank of Gunnison (now the First National Summit Bank) a depository of the District and that funds so deposited may be withdrawn upon a check, draft, note or order of the District; and

"Whereas, On July 12, 1993 and on July 11, 1994 the Board designated those persons authorized to sign and countersign checks, drafts, notes or orders for the payment of money in the name of the District; and

"Whereas, the Board desires to amend the list of persons authorized to sign checks, drafts, notes or orders for the payment of money in the name of the District.

"Now, Therefore, Be It Resolved, that all checks, drafts, notes, or orders drawn against said account be signed by any one of the following:

NAME	TITLE
William S. Trampe	Board President
Peter Smith	Board Vice-President

and countersigned by any one of the following:

Ralph E. Clark, III _____	Board Treasurer Board Member
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whose signatures shall be duly certified to said Bank, and that no checks, drafts, notes or orders drawn against said Bank shall be valid unless so signed.

"Be It Further Resolved, that said Bank is hereby authorized to honor and pay any checks, drafts, notes or orders so drawn, whether such checks, drafts, notes or orders be

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Resolution 94-_____
August 8, 1994

payable to the order of any such person signing and/or countersigning said checks, drafts, notes or orders, or any of such persons in their individual capacities or not, and whether such checks, drafts, notes or orders are deposited to the individual credit of the person so signing and/or countersigning said checks, drafts, notes or orders, or to the individual credit of any of the other officers or not. This resolution shall take effect on August 8, 1994 and continue in force until further written notification to said Bank.

In Witness Whereof, I have hereunto affixed my name as Mark Schumacher, Secretary and have caused the seal of said District to be hereto affixed this _____ day of _____, 1994.

Mark Schumacher, Secretary

RESOLUTION 94-_____

I HEREBY CERTIFY that I am the duly elected and qualified Secretary of the Upper Gunnison River Water Conservancy District and the keeper of the records and seal of said District and the following is a true and correct copy of a resolution duly adopted at a regular meeting of the Board of Directors of said District held in accordance with the By-Laws of said District on the 8th day of August, 1994.

"Whereas, On July 12, 1993 The Board of Directors of the Upper Gunnison River Water Conservancy District (The Board) designated the Crested Butte State Bank (now the First National Summit Bank) a depository of the District and that funds so deposited may be withdrawn upon a check, draft, note or order of the District; and

"Whereas, On July 12, 1993 and on July 11, 1994 the Board designated those persons authorized to sign and countersign checks, drafts, notes or orders for the payment of money in the name of the District; and

"Whereas, the Board desires to amend the list of persons authorized to sign checks, drafts, notes or orders for the payment of money in the name of the District.

"Now, Therefore, Be It Resolved, that all checks, drafts, notes, or orders drawn against said account be signed by any one of the following:

NAME	TITLE
William S. Trampe	Board President
Peter Smith	Board Vice-President

and countersigned by any one of the following:

<u>Ralph E. Clark, III</u>	Board Treasurer Board Member
----------------------------	---------------------------------

whose signatures shall be duly certified to said Bank, and that no checks, drafts, notes or orders drawn against said Bank shall be valid unless so signed.

"Be It Further Resolved, that said Bank is hereby authorized to honor and pay any checks, drafts, notes or orders so drawn, whether such checks, drafts, notes or orders be

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Resolution 94-_____
August 8, 1994

payable to the order of any such person signing and/or countersigning said checks, drafts, notes or orders, or any of such persons in their individual capacities or not, and whether such checks, drafts, notes or orders are deposited to the individual credit of the person so signing and/or countersigning said checks, drafts, notes or orders, or to the individual credit of any of the other officers or not. This resolution shall take effect on August 8, 1994 and continue in force until further written notification to said Bank.

In Witness Whereof, I have hereunto affixed my name as Mark Schumacher, Secretary and have caused the seal of said District to be hereto affixed this _____ day of _____, 1994.

Mark Schumacher, Secretary

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RESOLUTION 94-_____

I HEREBY CERTIFY that I am the duly elected and qualified Secretary of the Upper Gunnison River Water Conservancy District and the keeper of the records and seal of said District and the following is a true and correct copy of a resolution duly adopted at a regular meeting of the Board of Directors of said District held in accordance with the By-Laws of said District on the 8th day of August, 1994.

"Whereas, On July 12, 1993 The Board of Directors of the Upper Gunnison River Water Conservancy District (The Board) designated Gunnison Savings and Loan a depository of the District and that funds so deposited may be withdrawn upon a check, draft, note or order of the District; and

"Whereas, On July 12, 1993 and on July 11, 1994 the Board designated those persons authorized to sign and countersign checks, drafts, notes or orders for the payment of money in the name of the District; and

"Whereas, the Board desires to amend the list of persons authorized to sign checks, drafts, notes or orders for the payment of money in the name of the District.

"Now, Therefore, Be It Resolved, that all checks, drafts, notes, or orders drawn against said account be signed by any one of the following:

NAME	TITLE
William S. Trampe	Board President
Peter Smith	Board Vice-President

and countersigned by any one of the following:

Ralph E. Clark, III _____	Board Treasurer Board Member
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whose signatures shall be duly certified to said Bank, and that no checks, drafts, notes or orders drawn against said Bank shall be valid unless so signed.

"Be It Further Resolved, that said Bank is hereby authorized to honor and pay any checks, drafts, notes or orders so drawn, whether such checks, drafts, notes or orders be

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Resolution 94-_____
August 8, 1994

payable to the order of any such person signing and/or countersigning said checks, drafts, notes or orders, or any of such persons in their individual capacities or not, and whether such checks, drafts, notes or orders are deposited to the individual credit of the person so signing and/or countersigning said checks, drafts, notes or orders, or to the individual credit of any of the other officers or not. This resolution shall take effect on August 8, 1994 and continue in force until further written notification to said Bank.

In Witness Whereof, I have hereunto affixed my name as Mark Schumacher, Secretary and have caused the seal of said District to be hereto affixed this _____ day of _____, 1994.

Mark Schumacher, Secretary

RESOLUTION 94-_____

I HEREBY CERTIFY that I am the duly elected and qualified Secretary of the Upper Gunnison River Water Conservancy District and the keeper of the records and seal of said District and the following is a true and correct copy of a resolution duly adopted at a regular meeting of the Board of Directors of said District held in accordance with the By-Laws of said District on the 8th day of August, 1994.

"Whereas, On July 12, 1993 The Board of Directors of the Upper Gunnison River Water Conservancy District (The Board) designated the First National Bank of Lake City a depository of the District and that funds so deposited may be withdrawn upon a check, draft, note or order of the District; and

"Whereas, On July 12, 1993, and on July 11, 1994 the Board designated those persons authorized to sign and countersign checks, drafts, notes or orders for the payment of money in the name of the District; and

"Whereas, the Board desires to amend the list of persons authorized to sign checks, drafts, notes or orders for the payment of money in the name of the District.

"Now, Therefore, Be It Resolved, that all checks, drafts, notes, or orders drawn against said account be signed by any one of the following:

NAME	TITLE
William S. Trampe	Board President
Peter Smith	Board Vice-President

and countersigned by any one of the following:

Ralph E. Clark, III _____	Board Treasurer Board Member
------------------------------	---------------------------------

whose signatures shall be duly certified to said Bank, and that no checks, drafts, notes or orders drawn against said Bank shall be valid unless so signed.

"Be It Further Resolved, that said Bank is hereby authorized to honor and pay any checks, drafts, notes or orders so drawn, whether such checks, drafts, notes or orders be

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Resolution 94-_____
August 8, 1994

payable to the order of any such person signing and/or countersigning said checks, drafts, notes or orders, or any of such persons in their individual capacities or not, and whether such checks, drafts, notes or orders are deposited to the individual credit of the person so signing and/or countersigning said checks, drafts, notes or orders, or to the individual credit of any of the other officers or not. This resolution shall take effect on August 8, 1994 and continue in force until further written notification to said Bank.

In Witness Whereof, I have hereunto affixed my name as Mark Schumacher, Secretary and have caused the seal of said District to be hereto affixed this _____ day of _____, 1994.

Mark Schumacher, Secretary

Upper Gunnison River Water

	<u>Hrs/Rate</u>	<u>Amount</u>
07/17/94 LRB Prepare outline of presentation to CWCB	1.50 125.00/hr	187.50

2.50	312.50
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BRATTON & McCLOW LLC
232 West Tomichi Ave., Suite 202
P.O. Box 669
Gunnison, Colorado 81230
(303) 641-1903

Upper Gunnison River Water
Conservancy District
275 South Spruce Street
Gunnison, Colorado 81230

July 29, 1994

	<u>Hrs/Rate</u>	<u>Amount</u>
Professional services:		
<u>Administrative</u>		
06/30/94 LRB Review minutes of 6/13/94 meeting	0.50 125.00/hr	62.50
07/11/94 LRB Attend monthly Board Meeting	4.00 125.00/hr	500.00
SUBTOTAL:	[4.50	562.50]
<u>Endangered Species</u>		
07/17/94 LRB Review CWCB agenda materials re: Aspinall Endangered Species contract	1.00 125.00/hr	125.00
SUBTOTAL:	[1.00	125.00]
<u>Aspinall Operations</u>		
06/29/94 LRB Attend work session re: Aspinall operations	2.00 125.00/hr	250.00
07/15/94 LRB Meeting with Tyler and Bill re: CWCB presentation	1.25 125.00/hr	156.25

PAYMENT IN FULL IS DUE ON RECEIPT OF STATEMENT. A LATE CHARGE
OF 1 1/2% PER MONTH WILL BE ASSESSED ON BALANCES NOT RECEIVED WITHIN 30 DAYS.

THIS STATEMENT DOES NOT INCLUDE DISBURSEMENTS FOR WHICH WE HAVE NOT YET BEEN BILLED.

Upper Gunnison River Water

Page 2

Amount

08/15/94-Payment - thank you

(\$1,613.37)

Balance due

\$376.20

PAYMENT IN FULL IS DUE ON RECEIPT OF STATEMENT. A LATE CHARGE
OF 1 1/2% PER MONTH WILL BE ASSESSED ON BALANCES NOT RECEIVED WITHIN 30 DAYS.

THIS STATEMENT DOES NOT INCLUDE DISBURSEMENTS FOR WHICH WE HAVE NOT YET BEEN BILLED.

Upper Gunnison River Water Conservancy District

M E M O R A N D U M

TO: Board Members,
Upper Gunnison River Water Conservancy District

FROM: Tyler Martineau *TM*

DATE: August 29, 1994

SUBJECT: Agenda Item 7, September 12, 1994, Board Meeting --
Schedule for Development of 1995 Budget.

*Discussion of
Content
what is
included*

The following is a suggested schedule for the development of the 1995 budget:

September 12, 1994 Board Meeting

Board authorizes timetable for development of the 1995 budget.

September 26, 1994 Work Session

Board reviews preliminary budget.

October 10, 1994 Board Meeting

Budget Officer presents proposed budget and budget message to the Board.

Preliminary drafts of legal services contract, manager's contract, and bookkeeper's contract are presented to the Board.

Board requests revisions to proposed budget, budget message, and services contracts.

Board establishes budget hearing date.

Board authorizes notice of budget to be published.

November 14, 1994 Board Meeting

Board conducts budget hearing.

Board requests final revisions to budget, budget message, and services contracts.

December 5, 1994

Board adopts annual budget resolutions.

Board executes legal services contract, manager's contract, and bookkeeper's contract.

This schedule would enable the District to meet two principal deadlines: 1) The proposed 1994 budget must be submitted to the board prior to October 15, 1994, and 2) The 1994 budget resolutions must be adopted and the mill levy certified to the County commissioners by December 15, 1994. I recommend that the above schedule be adopted including any revisions desired by the board at the September 12 meeting.

Upper Gunnison River Water Conservancy District

M E M O R A N D U M

*Makes things
clear
Run by the
auditor*

TO: Board Members,
Upper Gunnison River Water Conservancy District

FROM: Tyler Martineau *TM*

DATE: September 2, 1994

SUBJECT: Agenda Item 8, September 12, 1994, Board Meeting --
Revision of Employee Benefits Policy for Hourly
Employees.

Attached are proposed revisions to the Employee Benefits Policy for Hourly Employees. I have drafted these revisions to simplify the calculation of benefits for part-time employees. New language added to the policy is provided in italics. The major changes include:

- 1) All scheduled part-time employees would be eligible for prorated vacation, holiday, and sick leave benefits. In the current policy the benefits are limited to those employees who are scheduled to work in excess of 20 hours per week. The change would eliminate questions about eligibility that arise when an employee (for any number of reasons) falls below 20 hours per week.
- 2) The method of prorating vacation, holiday, and sick leave would be simplified so that the amount of proration of these benefits is determined annually. Under current practice the amount of proration has been calculated individually for each month and has proved to be too complex to administer easily.
- 3) Provisions have been provided to address jury duty and leave without pay.

I recommend that the board adopt the revised employee benefits policy. I believe it would be helpful to have a new policy in place prior to my interviewing and hiring the new secretary.

September 2, 1994

EMPLOYEE BENEFITS POLICY FOR HOURLY EMPLOYEES

Morgan
TYPES OF POSITIONS

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(a) Full-Time Status. Full-time status is designated to an employee who is regularly scheduled to work from 35 to 40 hours per week. A full time employee shall be entitled to the following benefits in addition to hourly wages: Paid vacation, paid sick leave, paid holidays, jury duty with pay, and payment of basic medical insurance premiums for the employee. Employees working at least 35 hours but less than 40 hours are entitled to paid holidays, sick leave, jury duty, and vacation on a pro-rated basis, plus full payment of basic medical insurance premiums.

(b) Scheduled Part-Time Status. Scheduled part-time status is designated to an employee who is regularly scheduled to work a ~~set number of hours per week which shall consist of at least 20~~ but less than 35 hours per week. A scheduled part-time employee shall receive the following benefits which shall be provided on a pro-rated basis: Paid vacation, paid sick leave, and paid holidays.

(c) Intermittent Part-Time Status. Intermittent status is designated to an employee who works an irregular number of hours as needed by the District. The hours worked shall be submitted each pay period. The employee is not eligible for vacation, sick leave, or paid holidays.

(d) Probationary Status. All persons employed shall serve a six-month probationary period beginning on the date of such employment. An employee may be terminated during probation for any reason other than political affiliation or protected constitutional right.

BENEFITS

(a) Vacations and Sick Leave.

(1) Employees on 40-Hour Week. Full-time status employees on a 40-hour work week ~~in a regular position~~ shall earn vacation for each full month of service at a rate of 6 2/3 hours per month and sick leave at a rate of 6 2/3 hours per month. After 4 years full-time status employees shall earn vacation at a rate of 8 hours per month. After 8 years full-time status employees shall earn vacation at a rate of 10 hours per month. *Vacation and sick*

DRAFT

September 2, 1994

leave shall not accrue until the end of each month and may not be used prior to the beginning of the following month.

(2) Employees on Less Than 40-Hour Work Week. Full-time status employees on less than a 40-hour work week and scheduled part-time status employees ~~in a regular position working at least 20 hours per week~~ shall accrue vacation and sick leave on a prorated basis. Prorated vacation and sick leave shall be accrued as follows: Multiply the current proration percentage times 6.67 hours (or 8 hours for employees after 4 years, and 10 hours for employees after 8 years) to calculate the monthly accumulation of vacation, and times 6.67 hours to calculate the monthly accumulation of sick leave. Vacation and sick leave shall not accrue until the end of each month and may not be used prior to the beginning of the following month.

(3) New employees. Earned vacation accrues from the date of first employment but may not be taken prior to completion of six months' employment with the District.

(4) Use of Sick Leave. An employee may use sick leave with pay for absences necessitated by injury, illness, disability, dental, medical or optical care of the employee or a member of their immediate family. Sick leave may also be used to attend funerals. At the discretion of and upon advance approval of the Board an employee may use up to 16 hours (or equivalent pro-ration) per year of sick leave as personal leave.

(5) Reporting of Sick Leave. In order to be eligible for sick leave with pay, employees must report the reason for their absence to the manager on the first day of their absence, keep the manager informed of their condition, and expected day of return, and furnish a medical certificate or other applicable documentation regarding the use of sick leave if requested to do so by the manager or Board.

(6) Accumulation of Vacation. The amount of accumulated vacation available to the employee at any time is the sum of the monthly accruals of vacation less vacation used. A full-time 40 hour per week employee may not accumulate more than 160 hours of vacation ~~(or equivalent pro-ration for employees working less than 40 hours per week)~~. Full-time employees on less than a 40-hour work week and scheduled part-time employees will have a prorated limit on the amount of unused vacation that may be accumulated: Multiply the current proration percentage times 160 hours to obtain the prorated limit on the accumulation of vacation. Accruals in excess of the maximum accumulation shall be subject to forfeit. Employees shall be paid for all accumulated vacation at the time of separation from the District.

(7) Accumulation of Sick Leave. The amount of accumulated sick leave available to the employee at any time is the sum of the monthly accruals of sick leave less sick leave used. An employee may not accumulate more than 240 hours of sick leave ~~(or~~

~~equivalent pro-ratio for employees working less than 40 hours per week).~~ Full-time employees on less than a 40-hour work week and scheduled part-time employees will have a prorated limit on the amount of unused sick leave that may be accumulated: Multiply the current proration percentage times 240 hours to obtain the prorated limit on the accumulation of sick leave. Accruals in excess of the maximum accumulation shall be subject to forfeit.

(i) Retirement, Resignation, or layoff. Upon retirement, resignation, or layoff, an employee shall receive payment for accrued sick leave based upon the following formula: Number of sick leave hours accrued (up to 240 hours), divided by 3 equals sick leave payoff (not to exceed 80 hours).

(ii) Permanent Disability or Death. Upon separation from employment by permanent disability (or death), an employee (or the employee's estate) shall be paid 100 percent of all accrued sick leave up to a maximum of 240 hours.

(iii) Dismissal. Upon dismissal an employee shall not receive any payments for accumulated sick leave.

is this legal?
(iv) Payment. Payment for accumulated vacation or sick leave at the time of separation shall be at the employee's current rate of pay or the average hourly rate received by such employee during the past three years of employment whichever is higher.

(8) A District holiday shall not be counted as a day of vacation or sick leave.

(b) Holidays.

(1) ~~Full-time status Employees in full-time regular positions working on a 40-hour work week shall be paid for 8 hours leave time for designated holidays. Employees in Full-time regular positions working status employees on less than a 40-hour work week and employees in scheduled part-time status employees positions shall be paid for designated holidays on a prorated basis. The hours to be paid for prorated holidays shall be calculated by multiplying the current proration percentage times 8 hours.~~

(2) Designated Holidays. Subject to the requirements in Colorado law, the Board shall annually determine the designated holidays for the year.

(c) Proration percentage. The proration percentage for vacation, sick leave, and holidays shall be determined by the employer at the beginning of the employee's employment and reevaluated prior to the beginning of each calendar year. The proration percentage shall be determined based upon an estimate of the total number of hours to be paid for the employee for the

upcoming year (or remainder of year for new employees) divided by the total number of hours that would be paid for a full-time 40-hour per week hourly employee. Once the proration percentage is established for the upcoming year (or remainder of year for new employees) it shall remain fixed for the year (or remainder of year for new employees) regardless of the actual hours that are paid during the year. The number of vacation and sick leave hours accrued and holiday hours paid for the year (or remainder of the year for new employees) as determined by the use of the proration percentage shall remain fixed regardless of the actual hours that are paid during the year.

?
If you
hire me
in your
part time
10 hours
per week
and in
October
decide you
want me
working
20

(d) Paid Hours. The total number of hours paid for any given period includes hours working on the job, holiday hours paid, vacation hours paid, and sick leave hours paid. The ordinary number of paid hours for a full-time 40-hour per week employee for a 12-month period is 2080 hours.

(e) Medical Insurance. In addition to the wages paid to the employee by the District, the District will reimburse employees on full-time status, in an amount approved by the Board, for premiums incurred by the employee in providing basic medical insurance for himself or herself. The District assumes no responsibility for obtaining or maintaining medical insurance for employees on full-time status or for any other employee of the District.

(f) Disability or Maternity Leave. Upon approval by the Board of Directors a full-time status or scheduled part-time status employee may be granted disability or maternity leave with pay to the extent the employee has accrued vacation, sick leave, and/or compensatory time. Upon recommendation of the Board a full-time status or scheduled part-time status employee may be granted disability or maternity leave without pay for a period not to exceed six months. A written statement from the attending physician indicating the anticipated date of return may be requested. Vacation and sick leave shall not be accrued and holidays will not be paid during the period of disability or maternity leave without pay. For a full time status employee the District will continue to reimburse the employee for medical insurance premiums for a period of two months. The District will not make any contribution for medical insurance premiums for the third and subsequent months. Failure to return to work by the date specified shall be considered a resignation.

(g) Court Leave. A full-time status employee who is required to serve or appear as a juror, witness in a criminal case or witness in a case not resulting directly from the discharge of the employee's duties as an employee shall be granted court leave with pay for the hours for which the employee would otherwise have been at work for the District. Any employee who has received fees or payment and has been granted court leave with pay shall turn over to the District any fee paid by the court with the exception of pay for travel. If an employee is involved

Deduct from
payments

*Should pay Service
Do you need a paragraph
somewhere like
in the
M.D. Smith's
paragraph.*

DRAFT

September 2, 1994

in litigation for personal purposes the employee may be granted leave without pay or use any accrued vacation or approved compensatory time.

(h) Leave Without Pay. Upon approval by the Board of Directors a full-time status or scheduled part-time status employee may be granted leave without pay for a period not to exceed one year. Vacation and sick leave shall not be accrued and holidays will not be paid during the period of leave without pay, nor will the District make any contribution during that period for medical insurance. Failure to return to work by the date specified shall be considered a resignation.

(i) Workers' Compensation. All employees regardless of status are eligible for Workers' Compensation Insurance in the event that they are injured or disabled on the job.

(j) Unemployment Insurance. The District participates in the State Unemployment Insurance Program.

(k) Expenses. Employees who incur expenses in the conduct of District approved business, such as the use of personal car, out-of-pocket miscellaneous expenses, or other travel expenses shall be reimbursed subject to review and approval by the Board. Exact records and receipts are required to be submitted to the District by the employee to verify all expenses.

(l) Benefits Not Included. The District does not provide: Group or individual medical insurance policies for its employees, dental insurance, life insurance, retirement program other than Social Security, or disability income other than workers' compensation. The District does not provide any benefits in addition to those specifically addressed in paragraphs (a) through (j) above unless required by law.

Upper Gunnison River Water Conservancy District

M E M O R A N D U M

TO: Board Members,
Upper Gunnison River Water Conservancy District

FROM: Tyler Martineau *TM*

DATE: August 16, 1994

SUBJECT: Job Description for Secretary.

Following the board's meeting last night I developed the attached job description to be used in the future for the secretarial position with the district. The new job description contains nearly all of the same basic tasks as the executive secretary job description used previously. However, I have reduced the level of responsibility, previous experience required, and pay to be more in line with our current needs.

Entry level pay for an office secretary for the following government organizations is shown below:

Gunnison County	\$7.40
City of Gunnison	\$9.32
RE-1J Schools	\$7.77

These are the most junior secretarial positions in each organization. I will seek to fill the secretarial position within this pay range.

My objective with this job description is to fulfill the need for the routine secretarial work to be carried out by the District while also seeking a person with ability so that over time the manager will be able to increasingly delegate additional tasks to him or her.

I am planning to run the advertisement for the position beginning the week of August 20 and conduct interviews the week of September 12.

8/16/94

DRAFT

POSITION DESCRIPTION

SECRETARY

Job Summary:

Performs secretarial duties under the direction of the district manager. Serves as office secretary to the board of directors. Serves as an information resource to the district including knowledge of policies and procedures. Position requires use of individual judgment within the limits of prescribed standards and procedures.

Job Responsibilities:

- * Performs secretarial duties for the district manager and board of directors.
- * Attends meetings of the board of directors.
- * Records meetings, and prepares written minutes which summarize the meeting discussion and actions taken.
- * Copies, assembles, and distributes agendas, memoranda, and other materials for the board of directors, and the public.
- * Prepares and distributes meeting notices to newspapers.
- * Receives incoming tax revenues, deposits revenue checks, and distributes this information to the bookkeeper for recording.
- * Receives and records incoming invoices to be paid by the district and distributes them to the district manager for approval, prepares checks for board member signatures, mails checks. Provides information to the bookkeeper as needed.
- * Processes and keeps a log of incoming and outgoing mail.
- * Welcomes office visitors and answers incoming telephone calls. Carries out public relations tasks in person and on the telephone. Assists office visitors and phone callers by furnishing information or making the appropriate referral.
- * Keeps track of and orders office supplies.
- * Maintains calendar for the district and district manager. Schedules rooms needed for district meetings.
- * Maintains and organizes administrative records and files of the district.

- * Maintains and updates district policy manuals, and personnel manual.
- * Assists in preparation of administrative reports by finding, assembling, and summarizing information and data as requested.
- * Gathers information for budget preparation and administration as requested.
- * Assists with writing, production, and mailing of district newsletter.
- * Prepares and types correspondence as requested.
- * Makes recommendations to the district manager in improved office procedures and equipment.
- * Operates office machines including typewriter, personal computer, word processor, and dictating machine effectively.
- * Performs other secretarial assignments as requested by the district manager.

Performance Criteria:

- * Effectively and efficiently carries out the job responsibilities listed above on a timely basis.
- * Effectively sets priorities and stays organized under pressure.
- * Reacts resourcefully to problems as they occur and exercises sound judgment. Exercises discretion within limits appropriate to the position.
- * Handles confidential information professionally.
- * Gets along well with the board of directors, other workers, and the public.
- * Follows established policies and procedures.
- * Applies proper English and spells correctly.

Education, Training, and Experience Requirements

Any combination of education and experience equivalent to graduation from high school. Some college level course work is desirable. Two years of general office work or the equivalent including experience with computers and word processing. Ability to type 50 w.p.m. minimum.

Ramon Reed said that monthly reports should be prepared in time for the monthly board meeting and the bookkeeper should determine how it is to be done.

Butch Clark said that the District needs to get the bookkeeper the information in sufficient time to do the reports.

Tyler Martineau asked if Douglas Gorman would be the third choice.

Diane Lothamer said that if the negotiations with the first choice and the second choice both break down then it should come back to the board to determine why.

The motion carried 8-1.

President Trampe asked how the procedure for negotiations should be conducted.

John McClow said that he will take the proposals received and the request for proposals to prepare a draft contract containing the scope of work. Mr. McClow said that he will have the draft contract to Tyler Martineau by July 26, 1994.

Mr. McClow asked if the board was requiring that the bookkeeper be bonded.

Diane Lothamer said that if the bookkeeper is not signing checks then the bookkeeper does not need to be bonded.

Ramon Reed asked if a formal contract with the bookkeeper is necessary.

Lee Spann said that a contract is necessary so that all sides understand the scope of work and what is expected. Mr. Spann said that he does not think a bond is necessary.

Dennis Steckel said that a bond is not necessary for the bookkeeper.

Ramon Reed said that a bond for a bookkeeper is not a common practice.

President Trampe said that the board consensus was that the bookkeeper did not need to be bonded. President Trampe asked who would negotiate the contract with the bookkeeper choices.

Ramon Reed moved that Tyler Martineau and Butch Clark negotiate with the board's choice for bookkeeper after Mr. McClow furnishes the draft contract. Doyle Templeton seconded the motion.

Butch Clark suggested that the draft contract be mailed to the first choice for bookkeeper.

Tyler Martineau suggested that he and the treasurer work through a sample month and a timeline during negotiations with the bookkeeper prior to signing the contract.

Peter Smith said that he is concerned how the hourly rate will transfer to a total monthly amount and if that will be within the District's budgeted amount.

Butch Clark suggested a six month contract and then an evaluation of services and time.

John McClow said that the draft can contain a provision of "not to exceed \$x" for a period of time and be set for the term of a year with 60 days notice of termination by either side.

Diane Lothamer said that she disagreed with Tyler Martineau's suggestion because the person should be paid for the amount of time spent for going over a monthly sample and timeline. Tyler Martineau said that the request for proposal states a negotiation and that a trial run is included in the negotiation. Ms. Lothamer said that a trial run is not usually included in negotiations. Mr. Martineau said that in his experience a trial run is included in negotiations before a contract is signed.

Peter Smith asked what if the applicant voluntarily agreed to a trial run without payment. Diane Lothamer said if the applicant did a trial run voluntarily the person should still be paid for that time.

Ramon Reed said that if a mutual contract is agreed to the person should be hired. Mr. Reed said the negotiators should work with Mr. McClow to authorize the contract and the process with the bookkeeper will evolve over several months.

Dennis Steckel said that the committee should decide on the agreement of the contract negotiations but not do a trial run before the contract is signed. Mr. Steckel said that he does not like the "not to exceed #x" phrase because it could mean payment to the maximum amount.

Lee Spann suggested that the costs be reviewed in six months.

John McClow said that he could add to the contract a phrase that says the board reserves the right to review the total monthly cost.

Dennis Steckel said that approach sounded good.

John McClow pointed out that the board will have the ability to terminate the contract within 60 days.

Ramon Reed said that the board also reviews the bill before payment each month.

President Trampe said that he could designate another board member to approve invoices. President Trampe appointed Dennis Steckel as the board member to approve invoices.

Tyler Martineau said that he will present new resolutions at the next board meeting which will assume that the manager is not authorized to sign checks.

President Trampe said that the board appeared done with this discussion. He noted that a list of questions for the bookkeeper applicants was distributed by Mr. Martineau. President Trampe reviewed the procedure for the interviews and noted that each board member could ask questions.

John McClow asked if the scope of duties for the bookkeeper is the same as outlined in Mr. Martineau's memorandum at the last board meeting. Mr. Martineau said that in the scope of work the bookkeeper cuts the checks instead of staff.

Ramon Reed said that he had an additional question that he would ask of each candidate in regard to software.

In response to an audience question about endangered squawfish President Trampe said that the District cannot respond to the federal listing of endangered species because it is not a part of this meeting's agenda.

3. INTERVIEWS WITH SHORT-LISTED BOOKKEEPING FIRMS PROPOSING TO PROVIDE BOOKKEEPING SERVICES TO THE UPPER GUNNISON RIVER WATER CONSERVANCY DISTRICT

The board interviewed in alphabetical order the following applicants which had been selected by a board committee for interviews: Claire Ayraud, Douglas Gorman, and Janet Young. Each applicant was introduced to the board members, presented a proposal and then answered the questions posed by the board members.

After the interviews were completed the board entered discussion.

John McClow asked if the board wants the bookkeeper to attend the board meetings.

Ramon Reed said that the board treasurer will be attending the board meetings and should be the go-between for the bookkeeper and the board.

Butch Clark asked if the District needs a bookkeeper or an accountant and said that the level of involvement of the board treasurer will determine if the bookkeeper needs to attend the board meetings.

Tyler Martineau said that the request for proposal did not include attendance at board meetings.

Dennis Steckel said that he saw no reason at this time for the bookkeeper to attend the board meetings.

President Trampe said that he envisions selecting a first choice and a second choice for bookkeeper to facilitate the negotiating process.

Dennis Steckel moved that the board negotiate with Ayraud Accounting as its first choice for bookkeeper and Janet Young as its second choice. Ramon Reed seconded the motion.

Lee Spann said that the applicants appear to be similar in their qualifications and a Gunnison location could be a benefit for access to the bookkeeper especially during the transfer of duties.

Ramon Reed said that his first consideration would be the type of experience and the length of experience. Mr. Reed said that the bookkeeper would have the responsibility of commuting to the District office. Mr. Reed also considered experience in working with auditors and adapting monthly record keeping to meet the board's needs as considerations.

Dennis Steckel said that his motion was based on the perceived flexibility of Ayraud Accounting and the reasonable rate.

Tyler Martineau said that Susan Lohr telephoned to say that she favors Ayraud Accounting.

Butch Clark noted that Rita McDermott has provided personalized service to the District. Mr. Clark suggested that flexibility and responsiveness to the board's needs will be important.

Ramon Reed said that the proposed rate would depend on the equivalent time each applicant needs to accomplish the work.

President Trampe said that the time spent will depend on the turnaround of information.

Butch Clark noted that the monthly records will depend on how fast the staff gets the check register to the bookkeeper so the delays would be on the District's side.

Tyler Martineau explained that Rita McDermott prepares the monthly reports for the board from the check register and then reconciles the check register when the bank statements arrive.

Upper Gunnison River Water Conservancy District

REGULARLY SCHEDULED MEETING

Monday, September 12, 1994
7:00 p.m.

Gunnison County Community Building - County Fairgrounds
Gunnison, Colorado

A G E N D A

- 7:00 p.m. 1. Call to Order
- 7:10 p.m. 2. Consideration of Resolution of Appreciation for Rita McDermott - Past Treasurer and Secretary, Upper Gunnison River Water Conservancy District
- 7:20 p.m. 3. Approval of August 8 and August 15, 1994 Meeting Minutes
- 7:25 p.m. 4. Consideration of Operational Expenses Paid
- 7:30 p.m. 5. Consideration of Other Expenses Payable
- 7:35 p.m. 6. Monthly Budget Report
- 7:40 p.m. 7. Schedule for Development of 1995 Budget
- 7:45 p.m. 8. Revision of Employee Benefits Policy for Hourly Employees
- 8:00 p.m. 9. Legal Matters
- 8:15 p.m. 10. Stream flow gaging program - Paul von Guerard, U. S. Geological Survey
- 8:45 p.m. 11. Black Canyon Legislation
- 9:00 p.m. 12. Endangered Species Contract
- 9:15 p.m. 13. Report on August, 1994 Aspinall Operations Meeting
- 9:30 p.m. 14. Miscellaneous Matters *- aeg. plans from Dorch*
- 9:45 p.m. 15. Unscheduled Citizens *- will change in address, ownership, location*
- 9:55 p.m. 16. Future Meetings
- 10:00 p.m. 17. Adjournment

Persons with special needs due to a disability are requested to call the district at 641-6065 at least 3 days prior to the meeting.

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Upper Gunnison 15 August 84 -

Discussion of personnel.

Raman - situation for past year - paying for one thing -
doing less. Discussed change of duties and
nothing specific. Need someone to do #11 - or #7.
for Patricia's job.

What we should be doing play - need to needs to pay
Pay - up - or down - in middle and it

Tyler,

Tyler Rational - for secretary - 2 needs (1) clerical, mailing in
mail, filing (2) executive sec. - keeping of minutes
different skill level. County ex sec. to Gary & Mike does
minutes.

over job

(3) also would help having ex sec to give experience
Laurie, Patricia.

Tyler said minutes were important.

(4) also expected to be marketing water and w) Blue Mesa
administrative load not materialize.

RPA is complex to administer - need an administrator
client contact,

Not occurred - needs are different.

Could do it all, don't mind, not been time & time,
did it when Patricia was ill.

Yes you do need clerical help -

Should - Don't - more duties or less, it is split.

Two different levels of skills. If make position too much
and skill do clerical increase split.

- Need for higher level skill - has changed. from admin of RPA

Need help w/ in technical field - water rights, hydrology
planning model - ~~needs~~ runs. Need technicians
or other help. Not sure its justified.

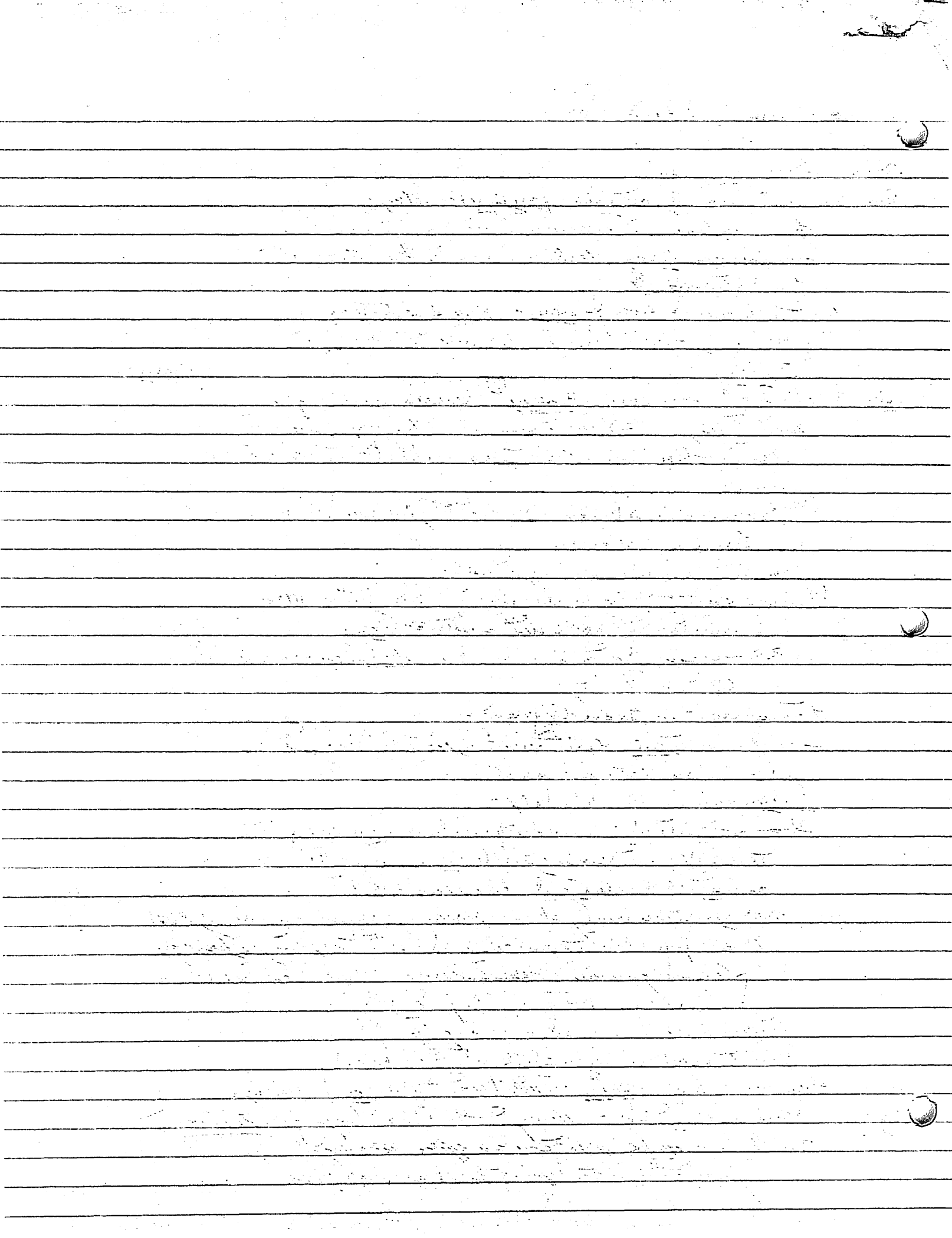
Staffing depends on speed on moving forward.

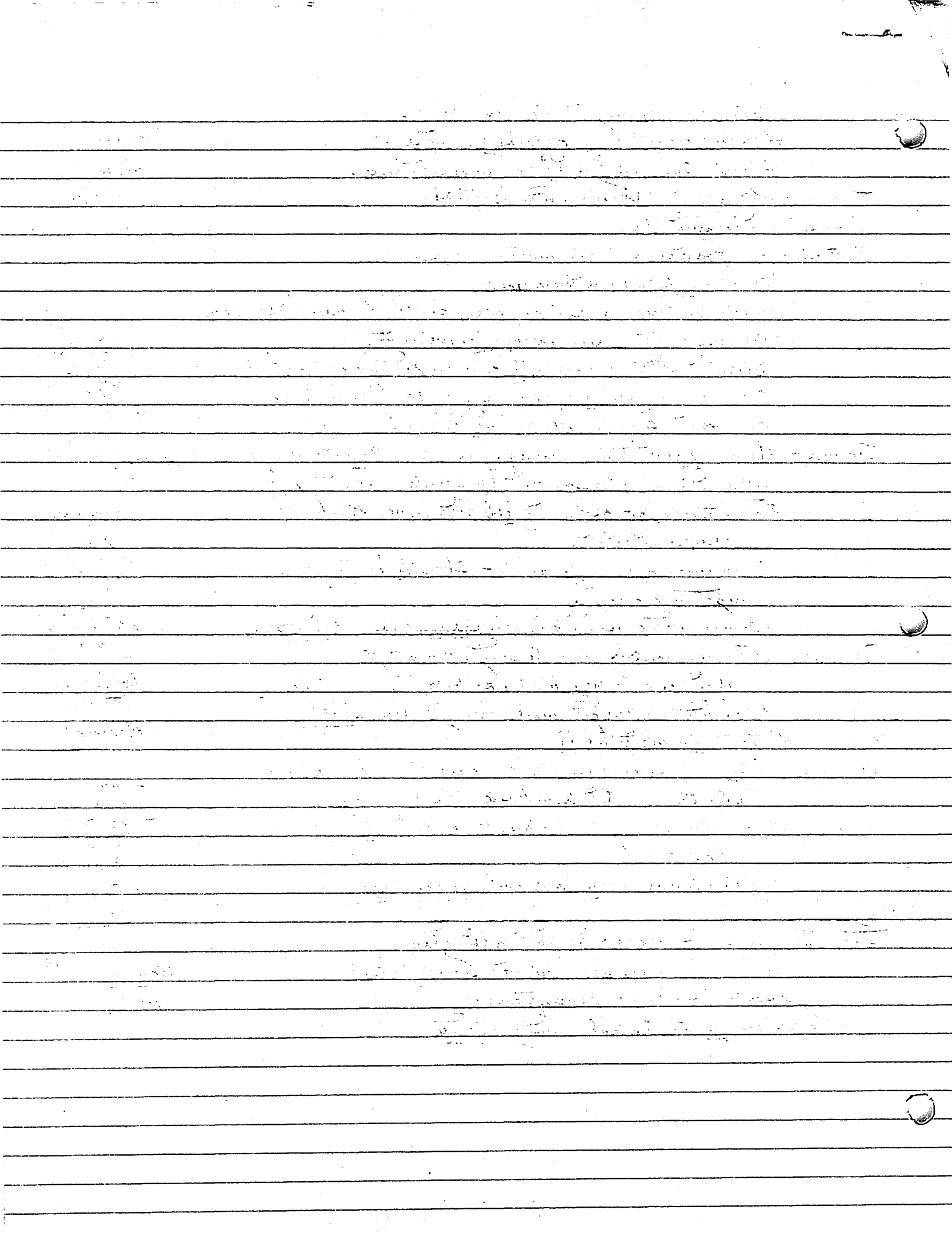
Hard to combine hydro skill with clerical.

Raman - does much help on tech - we have time, or knowledge

Tyler - Principally time - having to do other things for district
One idea - make position an office manager
from time stand point could do what you do.

Leaves
into
further





Sep 26

evaluated Budget

3/

Ramon - Position of Secretary description:
I need to hire outside technical help.
Engineering Council and - (1) can you do it
(2) can we make time for you to do it.

Susan -
Patricia - Duties of Sec are being done ^{by} clerical staff
Functions delegation

You are not there on day to day basis.

Card - Manager must do more than being strictly involved
in field. Can call on technical expert.
Are there people to call upon?

3/1000

Chief
Do other
do.

Tyler - Yes - contact consultants - at all levels
[assembling data]

card

Card - If you need para-legals or whatever
you should get them.

Looking
ahead
5 years.
manage
books
things

Tyler - 20 Different Board members

Dennis - Why is there so much work now than their
appeared to be before.
Need a better understanding of how you spend your
time

Dependent
others to
do analysis

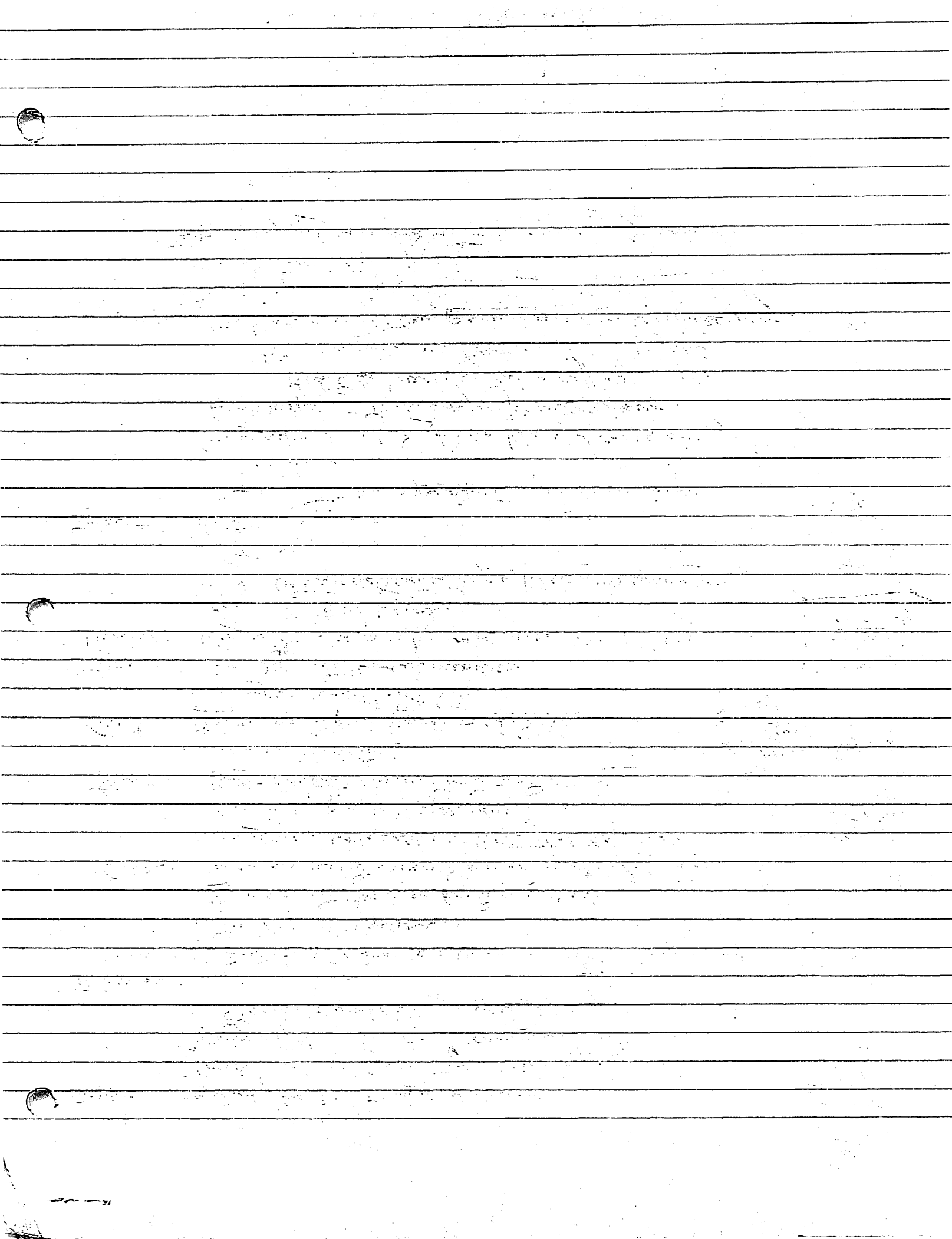
Tyler - Lots of reasons
We are ^{too} daily dependent on outside decision
makers.

1
12
1
1

Every aspect of what you do has radically changed
Book keeping - There is significant change.
Had to do business in a different way
\$50,000 a year vs \$400,000, vs \$200,000

Now have a written procedure for bookkeeping.
Frustrating for other entities for people to talk to
going to meetings -
Providing information is done consensus actives

Meeting
Committee



Upper Gunnison River Water Conservancy District

REGULARLY SCHEDULED MEETING

Monday, August 8, 1994, 7:00 p.m.

Gunnison County Community Building - County Fairgrounds
Gunnison, Colorado

A G E N D A

- 7:00 p.m. 1. Call to Order
- 7:10 p.m. 2. Consideration of Resolution Commending Robert Arnold -
Past Board Member, Upper Gunnison River Water
Conservancy District
- 7:25 p.m. 3. Approval of July 11 and July 25, 1994 Meeting Minutes
- 7:30 p.m. 4. Review of June 29, 1994 Work Session Minutes and
July 18, 1994 Committee Meeting Minutes
- 7:35 p.m. 5. Consideration of Operational Expenses Paid
- 7:40 p.m. 6. Consideration of Other Expenses Payable
- 7:45 p.m. 7. Monthly Budget Report
- 7:50 p.m. 8. Bookkeeping Services Contract
- 8:00 p.m. 9. Consideration of Resolutions Amending Signature and
Countersignature Authorizations for Checks Issued in
the Name of the District
- 8:15 p.m. 10. Appointment of Person to Prepare the 1995 Budget
- 8:30 p.m. 11. Legal Matters:
a. Rocky Point Pumped Storage Project
b. Other Legal Matters
- 8:45 p.m. 12. Black Canyon Legislation *add file*
- 9:15 p.m. 13. Endangered Species Contracted *channel change on basin, add
letter in. Amended Fic*
- 9:30 p.m. 14. Miscellaneous Matters
- 9:45 p.m. 15. Unscheduled Citizens
- 9:55 p.m. 16. Future Meetings
- 10:00 p.m. 17. Adjournment

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the district at 641-6065 at least 3 days prior to the meeting.

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Upper Gunnison River Water Conservancy District

M E M O R A N D U M

TO: Board Members,
Upper Gunnison River Water Conservancy District

FROM: Tyler Martineau *TM*

DATE: August 17, 1994

SUBJECT: Agenda Item 14, September 12, 1994, Board Meeting --
Miscellaneous Matters - Homestake Mining Company.

Doyle Templeton brought to my attention the fact that there might be an opportunity for the District to acquire an existing 80 acre-foot sedimentation pond operated by the Homestake Mining Company on Indian Creek above Sargents. Doyle asked me to look into whether the pond could be turned into a storage reservoir once it is no longer needed by Homestake. The following is a summary of the information I gathered from Homestake Mining personnel.

The pond will be needed by Homestake for at least the next five years to be used as a part of the reclamation and final closure of the mine. At the end of the five years there is a possibility that any sediment present could be removed from the pond and it could be turned into a water storage reservoir. The Pinnacle Mine (a very old abandoned mine) currently discharges about 30 gpm into the pond. Other runoff (having very high quality) into the pond totals 300 gpm. The discharge from the Pinnacle Mine is currently treated with a barium process to remove radium. If the Pinnacle Mine can be successfully plugged then the need for the treatment plant and the pond will be eliminated. If not then the pond will likely be needed by Homestake for an extended period of years. With the current treatment plant in operation the discharge from the pond meets all water quality requirements. There is a discharge permit in existence at the outlet works from the pond and they are in compliance with all the requirements of the permit. If Homestake is successful in plugging the Pinnacle Mine and no one is interested in the pond then the height of the dam will be reduced to convert it from a jurisdictional to a non-jurisdictional dam. On the other hand if someone is interested they would be willing to discuss turning the dam over rather than going to the cost of lowering it. There are some significant water quality liability issues that would have to be addressed if someone were to take over the future operation of the reservoir.

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I received the information presented above in a telephone conversations with Roy Ceellan and Luke Russell of Homestake. Mr. Russell told me that it will be several years before they will be ready to talk any further about the future use of the reservoir. They will need that much time to see if the plug in the Pinnacle mine will be successful. There is no chance he said that the dam would be lowered in the next five years. I asked him to keep in contact with the district as they move forward with completing the reclamation of the site.

Homestake Contacts:

Luke Russell - environmental affairs
Homestake Mining Company
650 California Street
San Francisco, CA 94108
(415) 983-8124

Roy Ceellan - regional reclamation administrator
Vern Kelso - local project engineer
(303) 641-4541



City of Gunnison

201 W. Virginia Ave., P.O. Box 239
Gunnison, CO 81230
(303) 641-8000 - (303) 641-8051 FAX

Agenda Item 14
September 12, 1994

received
8/15/94

August 10, 1994

Mr. John Chapman, Superintendent
Curecanti National Recreation Area
102 Elk Street
Gunnison, CO 81230

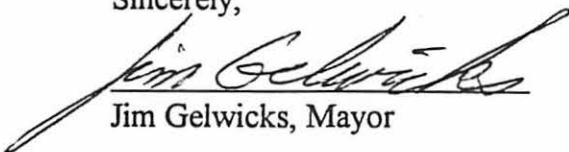
Dear Mr. Chapman:


This letter is provided in reference to a letter of the Gunnison County Board of Commissioners to you dated June 16, 1994. The Commissioner's letter concerns a 3/4 mile segment of the Gunnison River within the Curecanti National Recreation Area, in the areas of Neversink and Cooper Ranch of Blue Mesa Reservoir.

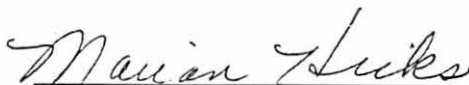
We, the Mayor and Councilmembers of the City of Gunnison, wish to express to you our support for the request of the Gunnison County Commissioners that flows in the Gunnison River be returned to the North Channel.

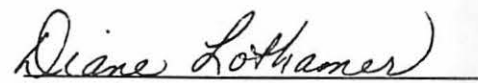
We appreciate the effort you have made to keep the City informed in this matter. We would be happy to meet with you at a convenient time if you desire.


Sincerely,


Jim Gelwicks, Mayor


Paul Coleman, Councilmember


Marian Hicks, Councilmember


Diane Lothamer, Councilmember


Paula Lee, Councilmember

cc: Robert M. Baker
Charles A. Calhoun
County Commissioners
USGWCD, Board Members

Upper Gunnison River Water Conservancy District

SPECIAL MEETING

Monday, August 15, 1994
7:00 p.m.

Gunnison County Community Building - County Fairgrounds
Gunnison, Colorado

A G E N D A

1. Call to Order.
2. Discussion of Personnel Duties.
3. Adjournment.

Persons with special needs due to a disability are requested to call the district at 641-6065 at least 24 hours prior to the meeting.

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time recently delineating the steps and writing procedures for the bookkeeping duties. Mr. Martineau said that the District now has a presence at the state level because as staff he goes to many meetings and represents the District. Mr. Martineau also said that the preparation and dissemination of information for the board is very time consuming because of the change in the constituency of the board.

The board complimented Mr. Martineau on the way the information is organized and provided to the board. It was suggested that the board needs to review how time consuming all these activities are and the cost effectiveness of reallocating Mr. Martineau's time versus spending money to hire a consulting engineer.

Tyler Martineau asked the board which duties he should give up if he added other water management duties. One board member suggested that Mr. Martineau could relinquish the office duties that he has performed over the last two years in setting up the District's office.

One board member commented that Mr. Martineau's reference to others completing their reports and making their decisions before he can do his work might require Mr. Martineau to attend more meetings during the discussion stages of water issues in the future. It was also suggested that other important components of a manager's job are thinking about issues, processing plans for District water uses and maintaining contact with the public.

Ramon Reed moved that Tyler Martineau fill the secretarial position as he sees best to satisfy the District's needs at this time. Susan Lohr seconded the motion. The motion carried.

Ramon Reed suggested that the board set a date for Mr. Martineau's semi-annual evaluation. After discussion, the board decided to conduct Mr. Martineau's evaluation on September 26, 1994 at 7:00 p.m. to be followed at 8:00 p.m. by a board worksession on the draft 1995 budget.

The board discussed ways to evaluate the district manager's performance. It was noted that the evaluation of managerial qualities which stay fairly consistent is different from defining priorities for the District at any given time. One board member mentioned that the board can provide on-going evaluation by reviewing and commenting on the quarterly reports submitted by the district manager, Tyler Martineau.

3. ADJOURNMENT

President Trampe adjourned the meeting at approximately 8:55 p.m.

Respectfully submitted,

DRAFT

Mark Schumacher, Secretary

APPROVED:

William S. Trampe, President

Ecology national measures water level.

Doing the flow -

Ecology problems - State Water Panel

Possible audit

Part once a month. Since center paid by U.S. 6 week
circular. 9 measurements per year.

They low flow - need real time data for water
administration

Need some support for more frequent measure

Discharge - East River too

Tyler

We're concerned with peak but month to month.

Continuous monitor. - do monthly maintenance

Up Scale.

Expensive Program -

East River
Comprehensive

Paul

Mission define quantity quality water resource.

National Data Base - all data public.

Same at Water Conference - fairly present

Ground Water Flag.

Discussion land - Invertebrates land.

La Plata Co water quality - for drill

Any plan it is going to grow - water problems hit you fast

Need to know what is under ground.

Mike Baker putting together data base for Green Basin

By Reclamation.

Paul

Climate Change -

Prime variability - index

Project proposals for specific issue.

Review ground water studies - update
nutrient data on wells

Low Flow - water low flow Aspen.

how to estimate

National Research

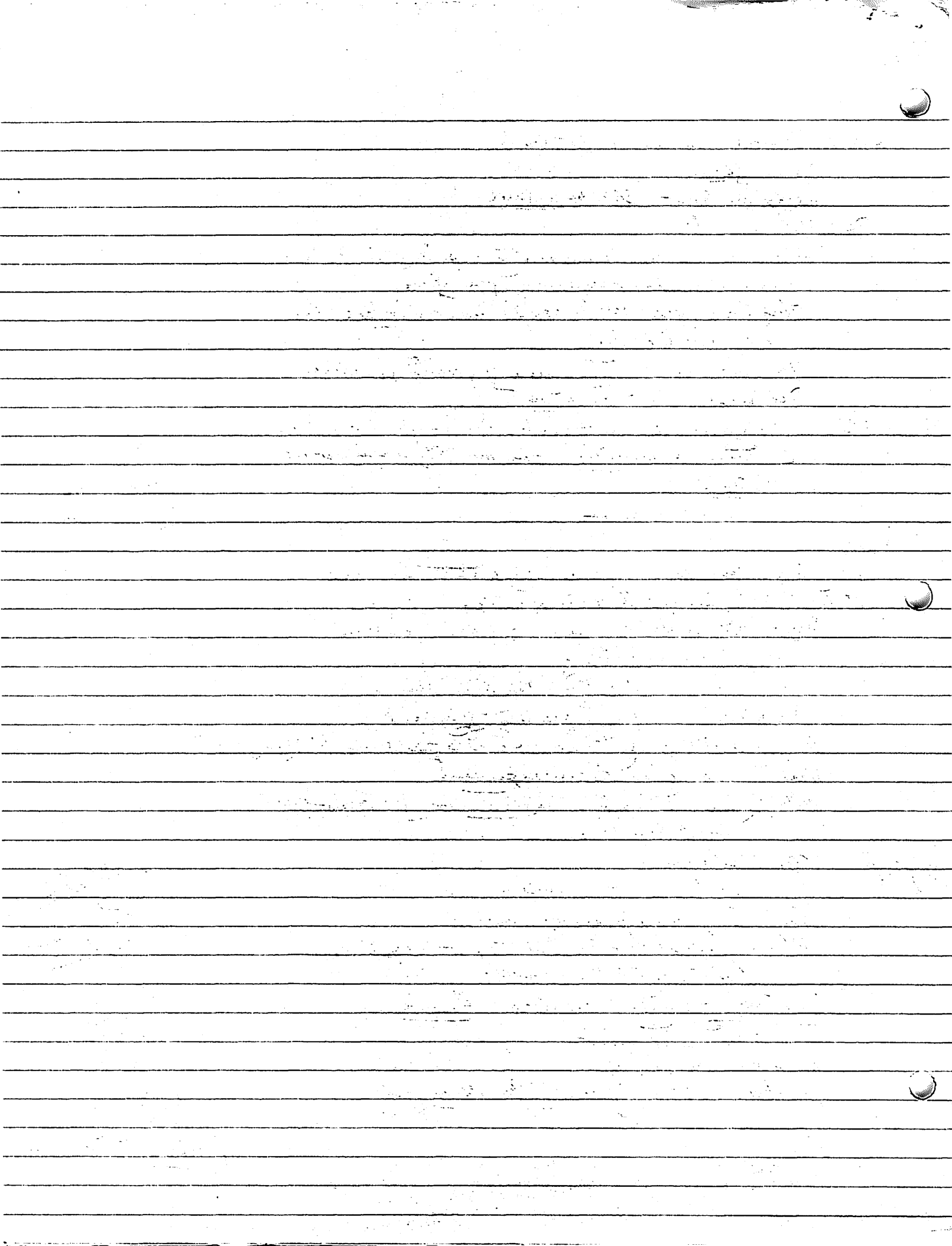
Worked in water quality for many years.

Poster
Program

Well
operation
wells

Soil
water

Water
Sediment Transport



PROPOSAL FOR GATHERING, ORGANIZING AND FILING BOARD RECORDS,
INCLUDING BACKING UP ORIGINALS WITH GRAPHIC STORAGE ON DISC.

The Board obviously should have control of its own records and such records should be readily available and freely accessible to the Board.

Involves budgeting and a work plan.

A. Board should budget some 1995 funds for gathering, organizing and filing Board records dating from the origin of the Board to the present time.

B. A budget large enough to cover every conceivable record might look like this:

1.	Equipment and Fixtures		
	(a) Filing cabinets	\$ 450	
	(b) Basic scanner w software	750	
	(c) Filing software	150	
	(d) Surprises	<u>250</u>	
			1,600
2.	Supplies		
	(a) File folders, labels, etc.	200	
	(b) Discs	200	
	(c) Paper	100	
	(d) Photo copier use	100	
	(e) Disc storage boxes	200	
	(f) Surprises	<u>100</u>	
			900
3.	Locating Documents (Bratton & McCLOW)		
	(a) Staff time (est)	1,000	
	(b) Attorney time (est)	500	
	(c) Photo copying (est)	1,000	
	(d) Surprises	<u>500</u>	
			3,000
4.	UGRWCD Staff Time		
	(a) Administrative (included)	-0-	
	(b) Part time Filing Advisor	1,500	
	(c) Clerical (additional)	4,500	
	(d) Surprises	<u>500</u>	
			6,500
5.	Outside Storage (Recurring)		
	(a) Bank Box (est - annual)	<u>200</u>	
			<u>200</u>
	TOTAL PROJECT COST (estimate for budget)		<u>\$ 12,200</u>

6. MONTHLY BUDGET REPORT

Diane Lothamer pointed out several questions about numbers presented in the monthly budget report that need to be resolved. She said that she was pleased overall with the changeover being made by the new bookkeeper.

7. SCHEDULE FOR DEVELOPMENT OF 1995 BUDGET

Lee Spann moved and Butch Clark seconded the adoption of the proposed schedule for development of the 1995 budget. The motion carried.

8. REVISION OF EMPLOYEE BENEFITS POLICY FOR HOURLY EMPLOYEES

The board discussed the draft employee benefits policy dated September 2, 1994, and made suggestions for revisions to be made to the policy.

Ramon Reed moved and Lee Spann seconded that the employee benefits policy be revised such that no benefits are provided for part-time employees. The motion carried.

9. LEGAL MATTERS

Attorney Dick Bratton discussed the diligence case on the O'Fallon Ditch water rights with the board. Diane Lothamer stated that since she serves on the Gunnison City Council she would refrain from voting on the matter to avoid a conflict of interest.

Lee Spann moved and Butch Clark seconded that the manager prepare a letter for President Trampe's signature to the City of Gunnison stating that because the district has an interest in utilizing the decrees in the basin the district supports the City of Gunnison in the diligence case for the O'Fallon Ditch. The motion carried. Diane Lothamer abstained from the vote.

10. STREAM FLOW GAGING PROGRAM - PAUL VON GUERARD, U. S. GEOLOGICAL SURVEY

Paul von Guerard, chief of the Grand Junction sub-district office of the U. S. Geological Survey made a presentation on the activities of the Geological Survey in Western Colorado. He introduced Joe Sullivan as the person who makes field measurements in the upper Gunnison basin, and Ed Wilson, data resource specialist in the Grand Junction office.

Ed Wilson stated that the Upper Gunnison River Water Conservancy District's share of operating one stream gage next year would be \$3,880.00. The total for the District's three gages on Castle Creek, Tomichi Creek, and Cochetopa Creek plus its 1/4 share of the Slate River gage would be \$12,610.00.

The board discussed the possibility of the Geological Survey providing continuous automated water quality monitoring at the East River below Cement Creek gaging site. Lee Spann requested that the Geological Survey provide him, the board, and the Colorado River District with a cost estimate for water quality monitoring by September 27.

A discussion was held with the Geological Survey in which concerns were expressed about the reduction in the number of discharge measurements from twelve per year to nine per year that the Geological Survey is now making at gage sites statewide.

Mr. von Guerard offered the services of the Geological Survey on a cost sharing basis to assist in gathering information about the rapid growth of communities in the Upper Gunnison basin. Dennis Steckel asked for an opinion from the Geological Survey as to what information the district should be collecting in the East River basin.

11. BLACK CANYON LEGISLATION

The manager reported that Club 20 had passed a resolution at its board meeting on September 9, 1994 supporting Senator Campbell's Black Canyon legislation and endorsing the language changes requested by the water districts in the basin.

The board discussed the draft "Recommendations of the Upper Gunnison River Water Conservancy District Concerning the Proposed Black Canyon National Conservation Act of 1994" dated August 17, 1994. Two board members expressed concerns about the language changes recommended to be made to Section 4 of the Black Canyon bill. It was suggested that the upstream storage and diversion of water should be addressed on a case by case basis, or alternatively that there should be no limits placed on the Wild and Scenic Rivers designation. The opposite opinion was expressed by another board member who said that the Black Canyon bill would be unacceptable if a Wild and Scenic River designation would result in limitations on upstream water users in the basin.

Ramon Reed moved and Butch Clark seconded that the recommendations be forwarded to Senator Campbell's office with the exception of the recommendations concerning Section 4. The motion failed.

Lee Spann moved and Dennis Steckel seconded that the recommendations be adopted as presented. Ramon Reed moved to amend the motion as follows: If the recommended language changes are adopted by the Colorado Water Conservation Board (CWCB) at its meeting on September 14 the recommendations should be

UGRWCD BUDGET SUMMARY-AUGUST 1994

	AUGUST	YEAR TO DATE AS OF 8/31/94	1994 BUDGET	% Received or Expended
REVENUE				
General Property Tax-all counties	\$6,303.72	\$190,545.33	\$210,778.00	90.40%
General Property Tax-prior tax	\$3.35	(\$2.51)	0	
Specific Ownership	\$1,367.29	\$10,278.61	\$15,750.00	65.26%
Interest & Penalties-tax	\$157.07	\$337.37	0	
Interest on Investments	\$474.72	\$4,504.68	\$5,000.00	90.09%
Miscellaneous		\$75.00	0	
Total Revenue	\$8,306.15	\$205,738.48	\$231,528.00	
EXPENSES				
Administrative Salary	\$3,958.33	\$30,553.07	\$47,500.00	64.32%
Secretary Salary	\$742.20	\$5,702.85	\$14,000.00	40.73%
Board Treasurer Salary	\$150.00	\$2,250.00	\$4,000.00	56.25%
Payroll Taxes & Benefits	\$690.11	\$4,375.85	\$8,500.00	51.48%
Staff Conference & Training			\$500.00	0.00%
Legal Expenses	\$957.12	\$56,833.32	\$70,000.00	81.19%
Audit and Accounting	\$180.50	\$1,161.60	\$1,200.00	96.80%
Engineering Services			\$10,000.00	0.00%
Rent & Utilities		\$1,500.00	\$1,500.00	100.00%
Stream Gages O&M		\$943.68	\$12,800.00	7.37%
Stream Gages Construction			\$4,000.00	0.00%
Bonding	\$50.00	\$150.00	\$200.00	75.00%
Insurance/Premises		\$250.00	\$300.00	83.33%
Office Telephone	\$112.18	\$997.12	\$2,500.00	39.88%
Legal Printing	\$247.62	\$1,004.30	\$1,400.00	71.74%
Administrative Travel	\$265.00	\$1,241.46	\$3,000.00	41.38%
Board of Directors Travel			\$500.00	0.00%
Office Supplies	\$67.48	\$489.71	\$1,500.00	32.65%
Postage		\$695.00	\$1,200.00	57.92%
Copying		\$472.25	\$1,200.00	39.35%
Publications Acquisition		\$58.00	\$500.00	11.60%
Office Equipment			\$1,000.00	0.00%
Board of Directors Fees	\$225.00	\$3,050.00	\$5,000.00	61.00%
Board of Directors Mileage	\$48.50	\$1,012.50	\$1,400.00	72.32%
Uncompahgre Water Users		\$3,000.00	\$3,000.00	100.00%
Taylor Park Water Management			\$10,000.00	0.00%
CWC Membership		\$400.00	\$500.00	80.00%
WSC Water Workshop		\$1,200.00	\$1,200.00	100.00%
Water Resources Study		\$284.60	\$0.00	
Promotion & Guest Expense	\$1,068.07	\$1,195.73	\$1,700.00	70.34%
Country Treasurer's Fees	\$225.18	\$6,107.97	\$7,000.00	87.26%
Subtotals:	\$8,987.29	\$124,929.01	\$217,100.00	57.54%
Contingency			\$10,000.00	0.00%
Emergency Reserves			\$2,500.00	0.00%
Water Resource Protection & Development Reserves			\$1,928.00	0.00%
TOTALS:	\$8,987.29	\$124,929.01	\$231,528.00	53.96%

UGRWCD-FINANCIAL DATA-AUGUST 1994

Balance on Hand-July 31, 1994	RESTRICTED	UNRESTRICTED
Checking Account-FNSB-G		\$6,134.14
Petty Cash		\$100.00
Passbook Svgs-FNSB-G		\$58,338.01
Time CD-FNSB Gunnison		\$2,775.10
Time CD-Wetlands-FNSB		\$962.79
GS&L passbook-appl fees	\$7,584.61	
GS&L passbook-water rent	\$1,275.26	
Money Maker-GS&L		\$42,424.98
Time CD-GS&L		\$20,000.00
Time CD-FNB Lake City		\$42,564.77
Time CD-FNB Lake City		\$40,000.00
Passbook svgs-FNSB-CB		\$41,202.33
Accts Payable/Colo WH tax		(\$250.16)
TOTAL FUNDS 7/31/94	\$8,859.87	\$254,251.96

Net July Tax Receipts Collections	Paid in August	
	Gen Property-Real Estate	\$6,303.72
	Gen Property-Prior Tax	\$3.35
	Specific Ownership	\$1,367.29
	Interest & Penalties	\$157.07
	TOTAL AUGUST COLLECTIONS	\$7,831.43

Interest on Investments received	in August	\$330.14
Interest 1993 and ytd 1994	\$445.19	
TOTAL FUNDS AVAILABLE	\$9,305.06	\$262,413.53

Less: Total Disbursements thru	8/31/94	\$8,987.29
TOTAL FUNDS 8/31/94	\$9,305.06	\$253,426.24

Balances as of 8/31/94	RESTRICTED	UNRESTRICTED	INTEREST RATES	MATURITY DATES
Checking Acct-FNSB-Gunn		\$5,300.68	2.50%	
Petty Cash		\$100.00		
Passbook Svgs-FNSB-Gunn		\$58,338.01	3.25%	
Time CD-FNSB Gunnison	1yr	\$2,775.10	3.50%	1/18/95
Time CD-Wetlands-FNSB	1 yr	\$965.65	3.50%	8/16/95
GS&L Passbook-appl fees	\$7,965.72			
GS&L Passbook-water rentz	\$1,339.34			
Money Maker-GS&L		\$42,551.27	3.25%	
Time CD-GS&L		\$20,000.00	3.75%	1/23/95
Time CD-FNB Lake City	6 mos	\$42,564.77	3.50%	10/3/94
Time CD-FNB Lake City		\$40,117.21	3.45%	1/24/95
Passbook Svgs-FNSB-CB		\$41,202.33	3.25%	
Accts Payable/Payroll taxes		(\$488.78)		
TOTAL FUNDS 8/31/94	\$9,305.06	\$253,426.24		

UPPER GUNNISON RIVER WATER CONSERVANCY DISTRICT
 Report for the scheduled meeting on September 12, 1994

<u>DATE</u>	<u>OPERATIONAL EXPENSES PAID</u>	<u>AMOUNT</u>
8/8	Saguache Crescent-legal printing	52.89
8/8	The Paper Clip-office supplies	67.48
8/8	Trophy Shop-promotion & guest exp	54.82
8/8	US West-office telephone	109.75
8/8	Silver World Publishing-legal printing	13.61
8/8	WSC Conference Service-promo & guest exp	357.00
8/15	State Farm Insurance-payroll tax/benefits	299.64
8/31	MCI-office telephone	2.43
8/31	Chronicle & Pilot-legal printing	70.00
8/31	Gunnison Country Times-legal printing	96.72
8/31	Valley Insurance Agency-bonding	50.00
8/31	Silver World Publishing-legal printing	14.40
8/31	Tyler Martineau-administrative travel	265.00
8/31	Rita McDermott-board treasurer net salary	138.52
8/31	Patricia Thomas-secretarial net salary	499.88
8/31	Tyler Martineau-administrative net salary	2720.41
8/31	First National Summit Bank-FICA/FWH	<u>1643.57</u>

TOTAL EXPENSES PAID FOR APPROVAL: \$6456.12

OTHER EXPENSES PAYABLE

Meeting attendance -- \$25.00 per meeting plus reimbursement for mileage at \$.25 per mile

	<u>Attendance</u>	<u>Mileage</u>	<u>Amount</u>	<u>Total</u>
8/15 SPECIAL MEETING				
Ralph Clark III	\$25.00			\$25.00
Carol Drake	25.00	110	\$27.50	52.50
Susan Allen Lohr	25.00	72	18.00	43.00
Diane Lothamer	25.00			25.00
Ramon Reed	25.00			25.00
Lee Spann	25.00	6	1.50	26.50
Dennis Steckel	25.00			25.00
Doyle Templeton	25.00	64	16.00	41.00
William Trampe	<u>25.00</u>	14	<u>3.50</u>	<u>28.50</u>

TOTALS: 225.00 66.50 291.50

9/2 Bratton & McClow-legal expense 376.20
 8/26 Ayraud Accounting-treasurer salary 273.75

TOTAL EXPENSES PAYABLE FOR APPROVAL: 941.45



Claire Ayraud
 Ayraud Accounting
 Box 311/303 Elk Ave.
 Crested Butte, CO 81224
 Phone: (303) 349-7197

INVOICE NO.

8918

SOLD TO UPPER GUNNISON RIVER		SHIPPED TO WATER CONSERVANCY DISTRICT	
STREET & NO. 275 S. Spruce St.		STREET & NO.	
CITY Gunnison	STATE CO	ZIP 81230	CITY STATE ZIP

INVOICE

CUSTOMER'S ORDER	SALESMAN	TERMS	F.O.B.	DATE 8/26/94
Setup accounting & spreadsheets meeting w/ Tyler 7/27 board meeting 8/8				
18.25 hrs @ \$15.00				
Date Rec <u>8/29/94</u> Addn. Ckd. <u>7M</u> Inv. Appr. <u>VM</u> Amt. Appr. <u>273.75</u> Pd. Date _____ Acct. # _____ Bd. Mbr. Appr. Date _____ CK# _____ Board Member Initials _____				
Total Due:				273.75

REDIFORM
7L724

DRAFT

Martineau had explained that additional duties would be added but that in time those additional duties had not materialized because Mr. Martineau said that there wasn't enough work. Ms. Thomas explained that the current position is mainly very basic clerical activities and preparation of the board meeting minutes. She said that she could see the secretary

DRAFT

UPPER GUNNISON RIVER WATER CONSERVANCY DISTRICT

SPECIAL BOARD MEETING MINUTES

August 15, 1994

The Board of Directors of the Upper Gunnison River Water Conservancy District conducted a Special Meeting on August 15, 1994 at 7:00 p.m. in the Multi-Purpose Building at the Rodeo Grounds, Gunnison, Colorado.

Board members present were: Ralph E. Clark, III, Carol Drake, Susan Lohr, Diane Lothamer, Ramon Reed, Lee Spann, Dennis Steckel, Doyle Templeton, and William S. Trampe. Board members not present were: Mark Schumacher and Peter Smith.

Others present were:

Tyler Martineau, Manager

Patrice Thomas, Office Secretary

Laura Anderson, Crested Butte Chronicle/Pilot Reporter

1. CALL TO ORDER

President Trampe called the meeting to order at approximately 7:16 p.m.

2. DISCUSSION OF PERSONNEL DUTIES

President Trampe announced that the purpose of the meeting was to discuss personnel duties. He asked Ramon Reed what he intended for this discussion when he requested the meeting.

Ramon Reed said that he would like to look at the specifics of changes in the secretarial position that Mr. Martineau mentioned at the last board meeting. Mr. Reed said that he would like to see the salary for the secretarial position to be commensurate with the services provided in that position.

President Trampe asked what role the board should play in the hiring and firing of Tyler Martineau's staff. Mr. Reed replied that the board could define the duties of the other staff position in relation to the manager's duties to obtain the best use of services for the salaries paid to each position.

It was suggested that research assistance might be obtained on a project by project basis.

It was noted by one board member that he would prefer Mr. Martineau to spend his time at the top level of management duties rather than doing day-to-day office activities that other staff could do. Mr. Martineau replied that if cost were not a consideration he could use a person full-time to do what needs to be done at that moment and this would help him to delegate. One board member mentioned a seeming discrepancy between Mr. Martineau, the district manager, describing too much to do and the current clerical support staff not having enough to do.

Not that complicated
Tyler Martineau explained that his time during the last two years has focused a great deal on learning the budgeting process particularly with Amendment 1 considerations, but that process may be quicker now. Mr. Martineau said that much of what he does is working with other water resource specialists and that he needs someone for assistance who knows the world of water administration.

The board returned to the discussion of an office manager to handle day-to-day activities so that Mr. Martineau could do other things needed by the District. Ramon Reed asked why the hiring of an engineering consultant was suggested to the board when the board established current compensation for the position of district manager based on Mr. Martineau's engineering expertise to perform these functions.

The current duties of the executive secretary position were read and one board member stated that the duties read don't make a half-time position and that Mr. Martineau would have to train someone to perform those duties in that position.

One board member asked if Mr. Martineau could contract for technical assistance for specific needs like development of a data base. Mr. Martineau replied that if the District gets involved in an augmentation plan that it will need to contract for engineering consultation because he would not be able to perform the engineering duties needed and the duties of the manager's job. Mr. Martineau said that the board would need to decide if it wants his duties to be engineering or managerial.

One board member asked why there is so much more work to manage in the last several years that didn't appear before hiring a manager. It was suggested that the board needs to get a better understanding of how Mr. Martineau's time is spent.

2
1
Tyler Martineau responded that the board may not always know when he works on something. He also noted that the District is dependent on other people to collect their information and make their decisions so that he can do his analyses and his job. Mr. Martineau said that every aspect of what the District does has changed in the past three years. He cited as an example the significant change in bookkeeping duties with the amount of incoming revenues and the budget. Mr. Martineau said that he has spent a great deal of

After discussion, the board requested input on the secretary's position from the current office secretary. Patrice Thomas explained that when she was hired that Mr.

Dick Bratton said that this information supports against the position because the board paid. Dennis Steckel said that the District did not use it. Dick Bratton said that is now changing because they have to buy it. Dennis Steckel said that they were not buying water but were buying protection insurance for \$500. John Hill said that the contract specifies an amount of water and that all water was paid for in both contracts.

Ramon Reed said that it is a good point that there are separate issues between subordination and protection against downstream calls. Mr. Reed said that the District needs to point out the importance of subordination from the threat of the Bureau of Reclamation interpretation and implementation.

Bill Trampe said that subordination is not the golden egg but the Bureau of Reclamation is on the defensive because the Upper Gunnison River Water Conservancy District has focused so much on subordination to solve all problems.

Butch Clark said that the Aspinall Unit water is well utilized but what Ken Knox offers is an opportunity to resolve these issues. Mr. Clark said that a redefinition of past actions is needed.

Dick Bratton said that the District needs to address the Colorado Water Conservation Board role in areas where the Bureau of Reclamation has discretion. Mr. Bratton said that the District needs the help of the Colorado Water Conservation Board and should identify those areas in which it can help.

Butch Clark said that the Randy Seaholm research could be helpful for reviewing the historical records and particularly the congressional intent for the Curecanti Unit.

Ramon Reed asked Tyler Martineau if there is a schedule for negotiations. Tyler Martineau said that a draft contract was to be presented for the Colorado Water Conservation Board July meeting but that the Bureau of Reclamation will now provide an outline of the issues for the contract rather than a draft. Mr. Martineau said that the deadline for signing the contract is April 1995.

Lee Spann said that the Colorado Water Conservation Board meeting in July will provide a chance to step forward with the District's needs.

Butch Clark said that an April 1993 memorandum from Tyler Martineau refers to a water services contract and asked if the board can get a copy of that contract. Tyler Martineau asked for clarification. Butch Clark referred him to the memorandum and Mr. Martineau said that he will try to figure out which contract might be considered.

13. 1994 TAYLOR PARK RESERVOIR OPERATIONS

Tyler Martineau referred the board to the June 17, 1994 letter from Ernest Cockrell to Carol DeAngelis and the draft agreement. Mr. Martineau reported that two days of releases of 450 cfs from Taylor Park Reservoir were accomplished in June and fulfilled the objective of the Upper Gunnison River Water Conservancy District and Ernest Cockrell.

Ken Knox, Water Division 4 Engineer, reported on how administration of the agreement of the four parties and the agreement of the five parties was done.

President Trampe asked if the inflow was 450 cfs when they released 450 cfs. Ken Knox replied that it was.

Ramon Reed requested an actual accounting of flows to water rights on the Taylor River. Ken Knox said that he would be able to supply that information after it is finalized in December 1994. Ramon Reed requested a draft of preliminary figures to determine accounting to the 1st fill and the 2nd fill.

Discussion followed on accounting procedures as related to historical projections and real-time use as recorded by the Division Engineer, the Bureau of Reclamation, and the Gunnison Planning Model. Dick Bratton said that three allocations need to be considered: The original fill, the second fill, and instream flow.

Butch Clark said that Tyler Martineau's 1993 memorandums referred to the amount of fills so somebody must be recording this information and Mr. Clark requested that the District get this information.

14. MANAGER'S QUARTERLY REPORT

Tyler Martineau referred the board to his July 1, 1994 memorandum and report. Mr. Martineau noted that there have been additional delays in completion of the Gunnison Planning Model.

Lee Spann asked Mr. Martineau if he receives requests to speak on water topics in the community. Mr. Martineau said that he spoke to Rotary Club last month. Mr. Spann asked if he speaks to school groups. Mr. Martineau said that he has not received any requests.

15. MISCELLANEOUS MATTERS

Tyler Martineau referred the board to the notice about public meetings on the Gunnison and Lower Colorado Basin water quality monitoring initiative. Mr. Martineau said that board members could provide input to him.

Tyler Martineau distributed a memorandum regarding a request for participation from the Retired Seniors Volunteer Program (RSVP) to support a grant application by committing to use of volunteers for water quality monitoring.

Butch Clark said that it was a good idea and could be coordinated with the school's River Watch program.

Ramon Reed said that his reservation would be about the time needed to coordinate and train volunteers. Mr. Reed said that Mr. Martineau's time is needed on other top priority projects. Mr. Reed asked if the grant application could include hiring of someone to perform the training duties.

Lee Spann said that if the grant application is due July 15, 1994 then the turnaround time is too short to consider participation this year.

Ramon Reed moved that the District respond to the request by noting its interest in the program but that development of the concept would require more time so that the idea can be considered next year. Butch Clark seconded the motion. The motion carried.

Tyler Martineau referred the board to the agenda for the Colorado Water Conservation Board meeting in Gunnison and noted the change in location .

Tyler Martineau asked which board members wanted to attend the Water Workshop on the two complimentary tickets. The board decided to have Tyler Martineau attend and that anyone else who wanted to attend on the other ticket would contact Mr. Martineau. Mr. Martineau announced the the Water Workshop location has been changed to Escalante Terrace.

President Trampe said that the Colorado Water Conservation Board had requested \$500 funding for the July 19, 1994 banquet and President Trampe asked if the board wanted to contribute.

Lee Spann asked if the banquets in conjunction with meetings are locally sponsored by water users. Mr. Martineau replied that it is a common CWCB practice.

Ramon Reed asked what the total cost of the banquet would be. President Trampe said that he was told that it would be about \$1000 and that one-half of the payment was requested from the upper Gunnison basin and one-half from the lower Gunnison basin.

Ramon Reed moved that the Upper Gunnison River Water Conservancy District contribute \$500 to the Colorado Water Conservation Board banquet to be held in Gunnison on July 19, 1994. Susan Lohr seconded the motion. The motion carried.

Tyler Martineau reported that two entries were submitted in the logo contest. Tyler Martineau and Ramon Reed were appointed to meet as a committee to consider the entries.

Lee Spann moved that the Upper Gunnison River Water Conservancy District send a letter to the Cuerecanti National Recreation Area, National Park Service supporting the Gunnison County Commissioners and their letter regarding the change of location of the Gunnison River with copies to be sent as listed on the letter of the Gunnison County Commissioners. Ramon Reed seconded the motion. The motion carried.

Ramon Reed moved that the official posting place for District agendas and notices be the Gunnison County Courthouse. Dennis Steckel seconded the motion. The motion carried 6 to 4.

16. UNSCHEDULED CITIZENS

There were no unscheduled citizen's comments.

17. FUTURE MEETINGS

President Trampe announced the special board meeting scheduled for July 25, 1994 and the next regularly scheduled board meeting on August 8, 1994 at 7:00 p.m.

Ramon Reed asked that a discussion of the 60,000 acre feet subordination issue be added to the agenda for the July 25, 1994 meeting.

18. ADJOURNMENT

President Trampe adjourned the meeting at approximately 11:06 p.m.

received
9/22/94

UPPER GUNNISON RIVER WATER CONSERVANCY DISTRICT

Review Report

July 31, 1994

KIMBERLY S. TEMPLE

CERTIFIED PUBLIC ACCOUNTANT

A Professional Corporation

P.O. Box 1228

Gunnison, Colorado 81230

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KIMBERLY S. TEMPLE

CERTIFIED PUBLIC ACCOUNTANT

A Professional Corporation

P. O. Box 1228

243 N. Main, Suite A

Gunnison, Colorado 81230

(303) 641-2984 FAX (303) 641-5818

Kimberly S. Temple, CPA

Beverly Y. Tezak, CPA

September 2, 1994

To the Board of Directors
Upper Gunnison River Water Conservancy District
Gunnison, Colorado

We have reviewed the accompanying general purpose financial statements as listed in the table of contents of the Upper Gunnison River Water Conservancy District as of July 31, 1994 and for the seven month period then ended, in accordance with Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants. All information included in these general purpose financial statements is the representation of the management of Upper Gunnison River Water Conservancy District.

A review consists principally of inquiries of District personnel and analytical procedures applied to financial data. It is substantially less in scope than an audit in accordance with generally accepted auditing standards, the objective of which is the expression of an opinion regarding the general purpose financial statements taken as a whole. Accordingly, we do not express such an opinion.

Based on our review, we are not aware of any material modifications that should be made to the accompanying general purpose financial statements in order for them to be in conformity with generally accepted accounting principles.

Kimberly S. Temple, PC

Kimberly S. Temple, A Professional Corporation
Certified Public Accountants

UPPER GUNNISON RIVER WATER CONSERVANCY DISTRICT
 COMBINED BALANCE SHEETS – ALL FUND TYPES AND ACCOUNT GROUPS
 July 31, 1994
 (Unaudited – See attached disclaimer of opinion)

	Governmental Fund Types General Fund	General Fixed Asset Account Group	Memo Total Only
ASSETS			
Cash & Cash Equivalents (Note 2)	\$201,242	\$0	\$201,242
Short-Term Investments (Note 2)	62,775		62,775
Accounts Receivable (Note 3)	7,606		7,606
Property Taxes Receivable (Note 4)	0		0
Office Furniture & Equipment		19,287	19,287
TOTAL ASSETS	\$271,623	\$19,287	\$290,910
LIABILITIES & FUND EQUITY			
LIABILITIES			
Accounts Payable (Note 5)	\$4,195	\$0	\$4,195
Payroll Taxes Payable	271		271
Compensated Absences (Note 1)	1,730		1,730
Funds Held for Others (Note 6)	2,300		2,300
Deferred Revenue (Note 4)	0		0
TOTAL LIABILITIES	8,496	0	8,496
FUND EQUITY			
Investment in Fixed Assets – General Fund		19,287	19,287
Fund Balance – Reserved – Payables	8,496		8,496
Water Resource Development & Protection Reserve	251,816		251,816
Reserved Amendment 1	2,385		2,385
Unreserved	430		430
TOTAL FUND EQUITY	263,127	19,287	282,414
TOTAL LIABILITIES & FUND EQUITY	\$271,623	\$19,287	\$290,910

UPPER GUNNISON RIVER WATER CONSERVANCY DISTRICT
 STATEMENT OF REVENUES AND EXPENDITURES –
 ALL GOVERNMENTAL FUND TYPES
 For the Seven Months Ended July 31, 1994
 (Unaudited – See attached disclaimer of opinion)

	Governmental General Fund
REVENUES	
General Property Tax	\$190,006
Specific Ownership Tax	9,081
Interest on Delinquent Taxes	325
Interest on Deposits	3,094
Miscellaneous Donations	75
TOTAL REVENUES	202,581
EXPENDITURES	
County Treasurer Fee	6,083
Board of Directors' Fees	2,825
Secretary Salary	4,961
Treasurer Salary	2,100
Administrator Salary	26,595
Payroll Taxes	3,649
Board of Directors' Mileage	964
Board of Directors' Travel	0
Administrative Travel	976
Attorneys' Travel	0
Bonding	100
Legal Printing	797
Audit & Accounting	1,162
Office & Other Supplies	335
Copying	472
Postage	695
Insurance	250
Telephone	872
Membership – Colorado Water Congress	1,200
Other Membership & Training	400
Compensated Absences	0
Rent	1,500
Promotion & Guest Expense	1,141
Legal Fees	38,239
Capital Outlay – Office Equipment	0
Uncompahgre Valley Water Users Association	3,000
Staff Conferences	0
Water Study	0
Stream Gages	944
TOTAL EXPENDITURES	99,260
EXCESS OF REVENUES OVER EXPENDITURES	\$103,321

UPPER GUNNISON RIVER WATER CONSERVANCY DISTRICT
 STATEMENT OF CHANGES IN FUND BALANCES
 For the Seven Months Ended July 31, 1994
 (Unaudited – See attached disclaimer of opinion)

	GENERAL FUND				
	Total	Reserved			Unreserved
		Designated	Water Resource & Development	Emergency Amendment 1	
Beginning Balance	\$159,806	\$25,128	\$131,863	\$2,385	\$430
Excess of Revenues Over Expenditures	103,321				103,321
Transfers	0	(16,632)	119,953		(103,321)
Ending Balance	\$263,127	\$8,496	\$251,816	\$2,385	\$430

forwarded by the District to Senator Campbell. If the recommended language changes are not adopted by the CWCB then the recommendations should be brought back to the Upper Gunnison board for further consideration. Diane Lothamer seconded the motion to amend. The motion to amend carried. The main motion then carried.

12. ENDANGERED SPECIES CONTRACT

The manager reported on the first endangered species contract negotiation which was held on August 17, 1994. At the negotiation the CWCB stated that the existing draft of the contract was unacceptable because it does not offer any protection for Colorado water users and does not address keeping the calls off the Gunnison mainstem. The U. S. Fish and Wildlife Service stated that 300 cfs should be considered as the bare minimum needed for fish passage in the Gunnison River below the Redlands diversion. Extensive revisions to the endangered species contract were discussed during the negotiation.

13. REPORT ON AUGUST, 1994 ASPINALL OPERATIONS MEETING

The manager reported on the quarterly Aspinall operations meeting held in Grand Junction on August 18, 1994. 1994 runoff into the Aspinall Unit will be 73% of normal. In July, 1994 Blue Mesa Reservoir came within 7 feet of being full despite the dry year conditions. In the fall of 1994 the Bureau of Reclamation will operate the Aspinall Unit so that at least 300 cfs is maintained in the Gunnison River below Redlands. This will keep the Redlands call off the Gunnison River for the remainder of 1994.

14. MISCELLANEOUS MATTERS

Dennis Steckel presented to the board a proposal for gathering, organizing, and filing board records. The board discussed the proposal and decided to seek more information concerning the costs of duplicating and storing the records.

The manager asked if there were any questions about his memorandum concerning the Homestake Mining Company sedimentation pond. The manager was requested by the board to send a letter to Homestake to show the district's formal interest in investigating the feasibility of acquiring the reservoir in the future.

The manager informed the board of the upcoming National Water Quality Assessment meeting on the Upper Colorado River to be held on October 12 and 13 in Crested Butte.

Butch Clark discussed a requirement for well owners to note changes in the ownership of wells or other changes by January 1, 1995 with Ken Knox. He stated that the district should be available to assist people in meeting this requirement.

Lee Spann said that he had communicated with Greg Hoskins, attorney for the Redlands water users, and that the Redlands board of directors would like to meet with the Upper Gunnison board. He asked the manager to contact the Redlands manager to make arrangements for a meeting of the two boards.

Lee Spann moved and Dennis Steckel seconded that the first priority of the board and the manager should be to do everything to alleviate or mitigate a call on the Gunnison River next year. The motion carried.

Butch Clark requested that Ken Knox provide a history of past calls on the mainstem of the Gunnison River back to the 1930's. Ken said that he would see what he could find in the records.

15. UNSCHEDULED CITIZENS

There were no comments made by unscheduled citizens.

16. FUTURE MEETINGS

President Trampe announced that a special meeting of the board would be held on September 26, 1994 at 7:00 p.m. to be followed by a work session at 8:00 p.m. He also announced that a work session of the board would be held on October 10, 1994 at 1:00 p.m. to be followed by a regularly scheduled meeting of the board at 2:30 p.m. The location for each of these meetings would be the Gunnison County Community Building at the Rodeogrounds.

17. ADJOURNMENT

President Trampe adjourned the September 12, 1994 board meeting at 10:00 p.m.

Respectfully submitted,

Mark Schumacher, Secretary

APPROVED:

William S. Trampe, President

UPPER GUNNISON RIVER WATER CONSERVANCY DISTRICT

SPECIAL BOARD MEETING MINUTES

August 15, 1994

The Board of Directors of the Upper Gunnison River Water Conservancy District conducted a Special Meeting on August 15, 1994 at 7:00 p.m. in the Multi-Purpose Building at the Rodeo Grounds, Gunnison, Colorado.

Board members present were: Ralph E. Clark, III, Carol Drake, Susan Lohr, Diane Lothamer, Ramon Reed, Lee Spann, Dennis Steckel, Doyle Templeton, and William S. Trampe. Board members not present were: Mark Schumacher and Peter Smith.

Others present were:

Tyler Martineau, Manager

Patrice Thomas, Office Secretary

Laura Anderson, Crested Butte Chronicle/Pilot Reporter

1. CALL TO ORDER

President Trampe called the meeting to order at approximately 7:16 p.m.

2. DISCUSSION OF PERSONNEL DUTIES

President Trampe announced that the purpose of the meeting was to discuss personnel duties. He asked Ramon Reed what he intended for this discussion when he requested the meeting.

Ramon Reed said that he would like to look at the specifics of changes in the secretarial position mentioned at the last board meeting. Mr. Reed said that he would like to see the salary for the secretarial position to be commensurate with the services provided in that position.

President Trampe asked what role the board should play in the hiring and firing of the manager's staff. Mr. Reed replied that the board could define the duties of the other staff position in relation to the manager's duties to obtain the best use of services for the salaries paid to each position.

The board discussed the interrelatedness of the district's two staff positions and whether the secretarial position should be downgraded to be consistent with the current assigned duties or upgraded to take on some additional office management activities. The manager said that depending on the business and priorities of the District in the future there may be a need for technical staff in hydrology, and an office secretary.

The question was raised as to whether the District needs a part-time secretary and, if so, what the duties of that position should be.

The idea was offered to create a position of office manager which would combine the secretarial duties with the office management activities that the manager is currently doing so that he could free up some of his time for other District needs. Ramon Reed cited examples of office management activities from past quarterly managers' reports.

Mr. Martineau said that it is a valid goal to work toward alleviating his office management activities. He said, however, that the bulk of the secretary's work is clerical and that the secretary's job description and pay should be set so that the clerical need is filled.

After discussion, the board requested input on the secretary's position from the current office secretary. Patrice Thomas explained that when she was hired it had been explained to her that additional duties would be added but that in time those additional duties had not materialized. Ms. Thomas explained that the current position is mainly very basic clerical activities and preparation of the board meeting minutes. She said that she could see the secretary position being assigned additional duties to ease the manager's daily management of the District so that his engineering expertise could be better utilized to meet the District's needs.

President Trampe expressed the difficulty that one can experience in managing, delegating, and taking responsibility for what gets done. He said that the board should not impose a management style on its district manager.

The board discussed that the concern is not an individual's management style but the concern that the needs of the board and the District are met and that the staffs' skills are used to achieve the most benefit for the cost. The board acknowledged that the needs of the District have changed recently and that less focus will be on legal cases.

Diane Lothamer described her personal experience as an office manager and explained that an office manager does clerical and additional activities as delegated by the supervisor. She suggested that if the manager wants clerical help that he should hire for that need and if the position works into more than the duties and compensation of the position could increase accordingly.

The board agreed that one goal is to free the manager's time from daily activities of

running an office so that he can do more complex activities related to water management and to accomplish that goal in the most cost effective way.

The manager was asked for an estimate about how many hours of clerical help would be needed. He replied about 10-15 hours per week.

The board reiterated that the change in the District's needs and the change in water issues will affect the staff duties unpredictably throughout the year.

It was suggested that the board cannot look at staff until it sets clear goals and priorities for the District.

Ramon Reed asked why the hiring of an engineering consultant was suggested to the board when the board established current compensation for the position of district manager based on an engineer's qualifications.

One board member asked if the district could contract for technical assistance for specific needs like development of a data base. The manager replied that if the District gets involved in an augmentation plan that it will need to contract for engineering consulting services.

One board member asked why there is so much more work to manage in the last several years that didn't appear before hiring a manager. It was suggested that the board needs to get a better understanding of how the manager's time is spent.

Ramon Reed moved that Tyler Martineau fill the secretarial position as he sees best to satisfy the District's needs at this time. Susan Lohr seconded the motion. The motion carried.

Ramon Reed suggested that the board set a date for the manager's semi-annual evaluation. After discussion, the board decided to conduct the evaluation on September 26, 1994 at 7:00 p.m. to be followed at 8:00 p.m. by a board worksession on the draft 1995 budget.

The board discussed ways to evaluate the district manager's performance. It was noted that the evaluation of managerial qualities which stay fairly consistent is different from defining priorities for the District at any given time.

3. ADJOURNMENT

President Trampe adjourned the meeting at approximately 8:55 p.m.

DRAFT #2

Respectfully submitted,

Mark Schumacher, Secretary

APPROVED:

William S. Trampe, President

PROPOSAL FOR GATHERING, ORGANIZING AND FILING BOARD RECORDS,
INCLUDING BACKING UP ORIGINALS WITH GRAPHIC STORAGE ON DISC.

- C. We would need a part time filing consultant - an administrative assistant type person, simply to organize the system and review work from time to time. Very little of the Manager's time, and no working participation, should be involved. Clerical staff could do the real work at the secretary's desk.
- D. Those documents with original signatures which are of critical importance would be kept in a bank safe deposit box.
- E. All documents would be scanned and stored on disc according to the same filing system used for the actual documents. A duplicate set of discs could be kept in the bank safe deposit box.
- F. Records on disc can be easily accessed and cross indexed. At some later date, the system could embrace relevant news articles, other water information, etc.

A handwritten signature in cursive script, appearing to be the initials 'DM' or similar, located in the lower right quadrant of the page.

UPPER GUNNISON RIVER WATER CONSERVANCY DISTRICT SPECIAL BOARD MEETING MINUTES

August 15, 1994

The Board of Directors of the Upper Gunnison River Water Conservancy District conducted a Special Meeting on August 15, 1994 at 7:00 p.m. in the Multi-Purpose Building at the Rodeo Grounds, Gunnison, Colorado.

Board members present were: Ralph E. Clark, III, Carol Drake, Susan Lohr, Diane Lothamer, Ramon Reed, Lee Spann, Dennis Steckel, Doyle Templeton, and William S. Trampe. Board members not present were: Mark Schumacher and Peter Smith.

Others present were:

Tyler Martineau, Manager

Patrice Thomas, Office Secretary

Laura Anderson, Crested Butte Chronicle/Pilot Reporter

1. CALL TO ORDER

President Trampe called the meeting to order at approximately 7:16 p.m.

2. DISCUSSION OF PERSONNEL DUTIES

President Trampe announced that the purpose of the meeting was to discuss personnel duties. He asked Ramon Reed what he intended for this discussion when he requested the meeting.

Ramon Reed said that he would like to look at the specifics of changes in the secretarial position that Mr. Martineau mentioned at the last board meeting. Mr. Reed said that he would like to see the salary for the secretarial position to be commensurate with the services provided in that position.

President Trampe asked what role the board should play in the hiring and firing of Tyler Martineau's staff. Mr. Reed replied that the board could define the duties of the other staff position in relation to the manager's duties to obtain the best use of services for the salaries paid to each position.

It was suggested that the board talk about the office secretary's position specifically and the manager's position specifically. The board discussed the interrelatedness of the two positions and whether the secretarial position should be downgraded to be consistent with the current assigned duties or upgraded to take on some of the office management activities that Tyler Martineau is currently doing.

It was suggested that Tyler Martineau define what he would like for the position and that the board could consider pay for that position in its consideration of the 1995 budget.

Tyler Martineau said that depending on the business and priorities of the District in the future there may be need for a district manager, analytical staff, and an office secretary.

The question was raised as to whether the District needs a part-time secretary and, if so, what the duties of that position should be. Tyler Martineau described his rationale in hiring the previous secretaries. Mr. Martineau said that the skill level required for routine office activities such as copying, filing and mailings differs from the skill level needed to do the board minutes. Mr. Martineau said that the administration of water service contracts which he initially anticipated has not materialized in terms of the office secretary duties. Mr. Martineau said that he could do secretarial work and would be glad to but that it might not be the best use of his time. He said that his recommendation is that secretarial help is needed for the District.

Mr. Martineau said that additional duties that he might need would be in the technical areas of water rights, hydrology and water accounting. He said that he would probably not need this type of help for the next few years and, therefore, is not ready to recommend staffing at the technical level.

In response to a board question, Tyler Martineau said that he anticipates needing the technical help because he does not have the time to do these activities because of the other things that he has to do for the District.

The idea was offered to create a position of office manager which would combine the secretarial duties with the office management activities that Mr. Martineau is currently doing so that Mr. Martineau could free up some of his time for other District needs. Ramon Reed cited examples of office management activities from past quarterly reports submitted by Mr. Martineau. He asked what other members thought of this idea.

Tyler Martineau said that it is a valid goal to work toward alleviating his office management activities. Mr. Martineau said that his concern is the combination of office management and clerical skills. Mr. Martineau said that the bulk of the secretary's work is clerical and that the clerical need should be filled.

After discussion, the board requested input on the secretary's position from the current office secretary. Patrice Thomas explained that when she was hired that Mr.

Martineau had explained that additional duties would be added but that in time those additional duties had not materialized because Mr. Martineau said that there wasn't enough work. Ms. Thomas explained that the current position is mainly very basic clerical activities and preparation of the board meeting minutes. She said that she could see the secretary position being assigned additional duties to ease Mr. Martineau's daily management of the District so that his engineering expertise could be better utilized to meet the District's needs.

President Trampe expressed the difficulty that one can experience in managing, delegating, and taking responsibility for what gets done. He said that the board should not impose a management style on it's district manager.

The board discussed that the concern is not an individual's management style but the concern that the needs of the board and the District are met and that Mr. Martineau's skills are used to achieve the most benefit for the cost. The board acknowledged that the needs of the District have changed recently and that less focus will be on legal cases.

Diane Lothamer described her personal experience as an office manager and explained that an office manager does clerical and additional activities as delegated by the supervisor. She suggested that if Mr. Martineau wants clerical help that he should hire for that need and if the position works into more given Mr. Martineau's management style then the duties and compensation of the position could increase accordingly.

The board agreed that one goal was to free Mr. Martineau's time from daily activities of running an office so that he can do more complex activities related to water management and to accomplish that goal in the most cost effective way.

Mr. Martineau was asked for an estimate about how many hours of clerical help would be needed. He replied about 10-15 hours per week. Mr. Martineau said that if the clerical help is part-time that he has to do many clerical duties because of information that has to go out immediately and cannot wait for the clerical staff.

The pluses and minuses of the clerical staff position doing the board meeting minutes and Mr. Martineau's time to train that person were discussed.

The board reiterated that the change in the District's needs and the change in water issues will affect the staff duties. One area of need will be the dissemination of information to the board and the analysis of that information for the board.

It was suggested that Mr. Martineau is flexible in how to manage for the board's needs and that the board cannot look at staff until it sets clear goals and priorities for the District and the district manager.

Susan Lohr said that if there was a provision for predictable clerical assistance then Mr. Martineau could do his job.

It was suggested that research assistance might be obtained on a project by project basis.

It was noted by one board member that he would prefer Mr. Martineau to spend his time at the top level of management duties rather than doing day-to-day office activities that other staff could do. Mr. Martineau replied that if cost were not a consideration he could use a person full-time to do what needs to be done at that moment and this would help him to delegate. One board member mentioned a seeming discrepancy between Mr. Martineau, the district manager, describing too much to do and the current clerical support staff not having enough to do.

Not that complicated

Tyler Martineau explained that his time during the last two years has focused a great deal on learning the budgeting process particularly with Amendment 1 considerations, but that process may be quicker now. Mr. Martineau said that much of what he does is working with other water resource specialists and that he needs someone for assistance who knows the world of water administration.

The board returned to the discussion of an office manager to handle day-to-day activities so that Mr. Martineau could do other things needed by the District. Ramon Reed asked why the hiring of an engineering consultant was suggested to the board when the board established current compensation for the position of district manager based on Mr. Martineau's engineering expertise to perform these functions.

The current duties of the executive secretary position were read and one board member stated that the duties read don't make a half-time position and that Mr. Martineau would have to train someone to perform those duties in that position.

One board member asked if Mr. Martineau could contract for technical assistance for specific needs like development of a data base. Mr. Martineau replied that if the District gets involved in an augmentation plan that it will need to contract for engineering consultation because he would not be able to perform the engineering duties needed and the duties of the manager's job. Mr. Martineau said that the board would need to decide if it wants his duties to be engineering or managerial.

One board member asked why there is so much more work to manage in the last several years that didn't appear before hiring a manager. It was suggested that the board needs to get a better understanding of how Mr. Martineau's time is spent.

Tyler Martineau responded that the board may not always know when he works on something. He also noted that the District is dependent on other people to collect their information and make their decisions so that he can do his analyses and his job. Mr. Martineau said that every aspect of what the District does has changed in the past three years. He cited as an example the significant change in bookkeeping duties with the amount of incoming revenues and the budget. Mr. Martineau said that he has spent a great deal of

UPPER GUNNISON RIVER WATER CONSERVANCY DISTRICT
Notes to Financial Statements
July 31, 1994

Note 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The Upper Gunnison River Water Conservancy District was formed on June 1, 1959, under the provisions of the Colorado Revised Statutes, 1953 (Section 149-6-6). The District is supported jointly by Gunnison, Hinsdale and Saguache Counties based upon a mill levy on real property located in the Upper Gunnison River Watershed area. The purpose of the District is to represent the water interests of the people in the watershed area.

The accounting policies of the Upper Gunnison River Water Conservancy District conform to generally accepted accounting principles. The following is a summary of such significant policies:

A. Principles Determining Scope of Reporting Entity.

The financial statements of the District consist of only those funds of the District. The District has no oversight responsibility for any other governmental entity since no other entities are dependent on or controlled by the District in any manner. Dependence or control is determined on the basis of budget adoption, funding and appointment of the respective governing board.

B. Description of Fund and Account Groups

The General Fund is used to account for all financial resources of the district.

The General Fixed Asset Account Group is used to provide physical and dollar value control of capital assets owned by the District. Capital assets include property and equipment which are recorded at cost and fair market value at date of donation. Depreciation of these assets is not recognized in these statements.

UPPER GUNNISON RIVER WATER CONSERVANCY DISTRICT
Notes to Financial Statements (Continued)

Note 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

C. Basis of Accounting

The General Fund utilizes the modified accrual basis method of accounting. Under the modified accrual basis method of accounting, revenues are recognized when susceptible to accrual (i.e., when they become both measurable and available). "Measurable" means the amount of the transaction can be determined and "available" means collectible within the current period or soon enough thereafter to be used to pay liabilities of the current period. The District considers property taxes as available if they are collected within 60 days after year-end. Expenditures are recorded when the related fund liability is incurred.

Those revenues susceptible to accrual are property taxes, interest revenue and charges for services. Specific ownership taxes collected and held by the county at year-end on behalf of the District also are recognized as revenue. Other revenues are not susceptible to accrual because generally they are not measurable until received in cash.

Totals (Memorandum Only)

The total columns on the combined financial statements are captioned "Memorandum Only" because the total columns are not comparable to a consolidation, but merely aggregate the columnar statements by fund and group.

D. Budgets and Budgetary Accounting

The District follows these procedures in establishing the budgetary data reflected in the financial statements:

1. Prior to October 15, the person appointed by the Board of Directors to prepare the budget submits to the Board a proposed operation budget for the fiscal year commencing the following January 1. The operation budget includes proposed expenditures and the means of financing them.
2. A public hearing is conducted by the Board of Directors at a location within the District to obtain citizen comments.

UPPER GUNNISON RIVER WATER CONSERVANCY DISTRICT
Notes to Financial Statements (Continued)

Note 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

3. Prior to December 15, the budget is legally enacted through passage of a resolution.
4. Formal budgetary integration is not employed as a management control device during the year for the General Fund.
5. The budget for the General Fund is adopted on a basis consistent with generally accepted accounting principles (GAAP).

E. Compensated Absences

The Board provides a compensated absence policy for full and part-time employees consisting of sick leave and vacation time. An employee may accumulate up to 160 hours of vacation time and 240 hours of sick leave. All accumulated vacation time shall be paid by the District upon separation. For sick leave, if an employee is dismissed, no sick leave is payable. For other separations, one-third of the sick leave up to 80 hours will be paid by the District.

At July 31, 1994, the amount of accumulated vacation time, including the District's portion of Social Security and Medicare taxes, amounted to \$1,730.

F. Fund Balance

Reserved Fund Balance is separated into the following components:

Designated: Amount to account for liabilities and funds held for others at year-end.

Water Resources
Protection &
Development
Reserve:

Amount retained for future water development & protection.

Reserved
Amendment 1:

Amount reserved as an emergency contingency under Amendment 1 rules.

UPPER GUNNISON RIVER WATER CONSERVANCY DISTRICT
Notes to Financial Statements (Continued)

Note 2 - CASH AND SHORT-TERM INVESTMENTS

Deposits (cash and certificates of deposit) are carried at cost. Cash and cash equivalents are any instruments with maturities of three months or less. Short-term investments have maturities of more than three months. All deposits are held in the district's name and are FDIC or FSLIC insured.

Note 3 - ACCOUNTS RECEIVABLE

Accounts receivable at July 31, 1994, consist of the following:

Gunnison County Treasurer	\$ 5,820
Hinsdale County Treasurer	1,667
Saguache County Treasurer	<u>119</u>
	<u>\$ 7,606</u>

Note 4 - PROPERTY TAXES RECEIVABLE AND DEFERRED REVENUE

Property taxes are enforceable claims as of December 31 which attach to the properties. Assessments are made for the year with notices sent out in January of the following year with final payments due prior to June 15. Taxes that are measurable but not available at the end of the District's accounting period are recognized as receivable and deferred revenue and are recognized as revenue in the subsequent accounting period when collected.

Note 5 - ACCOUNTS PAYABLE

Accounts payable at July 31, 1994 consist of the following:

U.S. West	\$ 110
Paper Clip	67
Bratton & McClow	1,613
Kimberly S. Temple, CPA, PC	181
Aspinall-Wilson Center	357
Silver World Publishing	14
Computer Store	1,800
Saguache Crescent	<u>53</u>
	<u>\$ 4,195</u>

UPPER GUNNISON RIVER WATER CONSERVANCY DISTRICT
Notes to Financial Statements (Continued)

Note 6 - FUNDS HELD FOR OTHERS

The funds held for others consist of the following principal amounts:

Application Fee:

Homestake Mining	\$	350
Rolling Meadows Ranch		150

Water Rental Deposit:

Homestake Mining	<u>1,800</u>
	<u>\$ 2,300</u>

The above monies have been held in interest-bearing accounts since 1976 and 1977. The District believes that the application fees were administrative fees and actually belong to the District, together with interest as of July 31, 1994, of \$839 which has accrued on the account. The District's attorney is in the process of making a determination on this.

The water rental deposit belongs to Homestake Mining but the question of ownership of accrued interest was not addressed in any of the original documentation. The District's attorney is attempting to contact Homestake Mining to determine a resolution to the ownership question. The interest accrued on the rental deposit as of July 31, 1994, is \$6,166. If it is determined that ownership rests with Homestake Mining, a prior period adjustment will be made to reflect that position.

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Of Counsel

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1800 Glenarm Street, Suite 1400
Denver, Colorado 80202
Telephone (303) 295-3613
Telecopier (303) 296-6480

September 22, 1994

Board of Directors
Upper Gunnison River Water Conservancy District
Gunnison, Colorado 81230

Re: 1995 Legal Services Budget

Ladies and Gentlemen of the Board:

You have requested that we provide you with a summary of legal issues which should be addressed by the District in 1995 and an estimate of legal fees and expenses which might be incurred in addressing those issues.

The amount of involvement by the Board in legal matters is in many instances beyond the control of either the Board or its counsel, being influenced by outside factors or persons. In addition, some matters could take on increased significance in the future, thereby resulting in a substantial increase in the amount of time to be devoted to them. On the other hand, it often occurs that matters are delayed or otherwise take on less significance, resulting in very little legal expense. It is also possible that other matters not now foreseen will arise, resulting in expenditures not now anticipated.

With those limitations, our estimates for 1995 are as follows:

1. Diligence - Upper Gunnison Decrees \$5,000.00

Retaining the District's conditional water rights will be a difficult task and will require a creative approach to both the use of these rights and the legal work performed to preserve them. You must decide whether the District wishes to retain the conditional water rights and for what purposes. We recommend that you address this issue in the near future and develop a specific agenda for performing effective diligence work. We can provide a legal evaluation of proposed diligence efforts, an analysis of the current legal requirements for conditional water rights and future trends which may affect the District's rights. The figure presented reflects the amount of effort which we recommend in performing diligence-related legal work for the coming year.



2. Gunnison Basin Plan For Argumentation

\$10,000.00

We previously submitted a memorandum which explains the nature of a plan for augmentation and suggests ideas for a plan for the Gunnison Basin. We strongly suggest that you make a substantial commitment of resources during 1995 to the development of a Gunnison Basin plan for augmentation. We realize that efforts to achieve downstream call protection by other means are proceeding, but developing a plan for augmentation is a prudent alternative for this District which will take significant time to complete. If the alternatives fail to adequately protect the District, a plan for augmentation should be ready to implement. Because of the time required to develop a plan for augmentation, it would be wise to pursue it simultaneously with the alternatives.

3. Taylor Park Reservoir Management Agreement

\$2,000.00

This amount anticipates continued negotiations toward completion of the Agreement.

**4. Application for Preliminary Permit (FERC)
Upper Gunnison Basin Project**

\$625.00

This amount assumes that we will monitor the activities of Arapahoe County/Town of Parker in submitting their required periodic progress reports to FERC and review of Commission action in response to the Motion for Reconsideration filed by HCCA, et al.

5. Appeal of Availability Ruling (Arapahoe County)

\$900.00

Legal work related to this case will be minimal if the Supreme Court affirms Judge Brown's decision and no further appeal is pursued by Arapahoe County. We choose to be optimistic and assume that result for budget purposes.

If the Supreme Court reverses and remands all or part of the trial court's decision, you will have the opportunity to decide if the remanded issues require participation of the District in further proceedings in the Water Court. If Arapahoe

Board of Directors
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September 22, 1994

County seeks to pursue further appeal (e.g. the U.S. Supreme Court), you will also have an opportunity to decide whether District participation is appropriate or necessary. In either of the latter events, we would need to prepare for you a case-specific analysis of cost which is impossible now.

6. Gunnison River issues, including:

- | | |
|--|-------------------|
| (a) Bureau of Reclamation-National Park Service | \$1,000.00 |
| (b) Federal Legislation | \$1,000.00 |
| (c) Endangered Species | \$1,000.00 |

The continuing activity in these areas will require legal services, and these figures represent general estimates based on prior years' experience.

7. Dominguez Reservoir Litigation **\$625.00**

The Supreme Court has reversed the Summary Judgment granted by the water court, and this case has been remanded for further proceedings. This estimate reflects the cost of monitoring the litigation, as you have instructed. It includes review of pleadings filed by other parties in the case, participating in status conferences (by telephone), and reports to the Board on those matters.

8. Exchange Proceeding - First Fill and Second Fill
of Taylor Park Reservoir **\$2,000.00**

An exchange proceeding must be completed to protect the District's second fill water right in Taylor Park Reservoir. The proceeding should be completed by the United States, and this amount reflects legal services devoted to monitoring that activity. The Board may decide to take a more active position.

for what where for whom

BRATTON & McCLOW

Board of Directors
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September 22, 1994

Compared to other

9. Taylor Park Operations and Private Instream Rights **\$5,000.00**

We do not anticipate much activity to be initiated by the Board regarding these matters, but this amount has been proposed for the budget based upon the expenditures last year.

10. Miscellaneous and Administrative Matters **\$5,000.00**

We will recommend that our attendance at Board meetings be curtailed in 1995, which should result in a reduction in the administrative category.

11. Travel, telephone, and copying expense **\$1,000.00**

TOTAL: **\$35,150.00**

Sincerely,



John H. McClow

JHM/lms

xc: Tyler Martineau, Manager,
Upper Gunnison River Water
Conservancy District

Upper Gunnison River Water Conservancy District

M E M O R A N D U M

TO: Board Members,
Upper Gunnison River Water Conservancy District

FROM: Tyler Martineau *TM*

DATE: September 22, 1994

SUBJECT: September 26, 1994, Work Session --
Discussion of Preliminary 1995 Budget.

Attached is the preliminary budget for the Upper Gunnison River Water Conservancy District for the year 1995.

Revenues for the 1995 budget have been projected based upon the current mill levy being reduced so as to maintain property tax revenues at the same level as in 1994. This is the same practice that the board has followed for the past two years.

Expenditures for 1995 have been estimated assuming the District will be involved in the same types of activities in 1995 as in 1994. The following should be noted:

- 1) The board has expressed a desire to consider additional activities related to the following:
 - Maintenance of board records
 - East River basin water quality monitoring
 - ? - Augmentation *Bratton McClow*
 - ? - Diligence *Engineering ?*

Amounts needed to expand the board's activities in these areas are not included in the budget at this time:

- 2) The budget amount shown for legal expenses is based upon estimates provided by Bratton & McClow.
- 3) Audit & Accounting now includes amounts budgeted for bookkeeping expenses.
- 4) The amount shown for stream gages O&M is the amount needed for operation of the Castle Creek, Cochetopa Creek, Tomichi Creek, and one-half of the Slate River stream water quantity gaging.

- 5) The amount shown under insurance is for insurance of the District's office space and its contents.
- 6) The amount shown under Office Equipment is based upon the District acquiring additional files for storage of documents already on hand at the District, plus minor miscellaneous office equipment.
- 7) Promotion and Guest Expense has been budgeted to include continuing funds of \$1,200.00 for the newsletter and \$500.00 for miscellaneous promotion and guest expenses such as dinners, and board member recognitions.

The expenditures included in the 1994 budget estimate are based upon information available as of August 31, 1994. At the present time the following line items are estimated to exceed the amounts previously budgeted for 1994:

	1994 <u>BUDGET</u>	1994 <u>ESTIMATED</u>
Audit & Accounting	\$ 1,200.00	\$ 1,700.00
Legal Printing	\$ 1,400.00	\$ 1,500.00
Board of Directors Fees	\$ 5,000.00	\$ 5,500.00
Board of Directors Mileage	\$ 1,400.00	\$ 1,700.00

It would be appropriate for the board to consider a resolution authorizing line item transfers in the 1994 budget to address these expenditures at some future board meeting.

Upper Gunnison River Water Conservancy District

M E M O R A N D U M

TO: Board Members,
Upper Gunnison River Water Conservancy District

FROM: Tyler Martineau *TM*

DATE: October 4, 1994

SUBJECT: Agenda Item 8, October 10, 1994, Board Meeting --
Preliminary Drafts of Contracts for Legal
Services, Bookkeeping, and Manager for 1995.

Attached as requested by the board are copies of draft contracts for legal services, bookkeeping, and the manager for 1995.

The budget schedule calls for execution of the above contracts at the December 5, 1994 board meeting. At the October 10 meeting the board will be asked to provide direction concerning any desired revisions to the contracts.

DRAFT

LEGAL SERVICES AGREEMENT

This Agreement is made this ____ day of _____, 1994, by and between the **UPPER GUNNISON RIVER WATER CONSERVANCY DISTRICT**, a water conservancy district established under the Water Conservancy Act (the District), and **BRATTON & McCLOW LLC**, a Colorado limited liability company (the Firm).

WHEREAS, the Board of Directors of the District (the Board) is authorized pursuant to the Water Conservancy Act to employ attorneys for the District; and

WHEREAS, the Board desires to contract with the Firm upon the terms and conditions set forth below;

In consideration of the mutual promises and obligations contained herein, the parties agree as follows:

1. **EMPLOYMENT.** The Firm is hereby employed to serve as legal counsel for the District. L. Richard Bratton and John H. McCLOW, Members of the Firm, are designated as the individual attorneys responsible for the performance of the duties set forth herein. It is understood, however, that associate attorneys of the Firm, either employees or of counsel, may perform certain legal services for the District under the supervision and control of the named individual attorneys.

2. **DUTIES AND RESPONSIBILITIES.** During the term of this Agreement, the Firm shall be responsible for the following:

(a) To attend regular and special meetings and work sessions of the Board, and attend meetings of the Board's committees, ~~when requested to do so by the Board, the President of the District or the Manager of the District.~~

for all sessions

we attend all given requests

(b) To provide legal advice, counsel and opinion on any matter of concern to the District when requested to do so by the Board, the President of the District or the Manager of the District.

(c) To attend to matters of a legal nature affecting the District including, but not limited to, negotiation and preparation or review of all legal documents and resolutions, when requested to do so by the Board, the President of the District or the Manager of the District.

(d) To represent the District in judicial, quasi-judicial or administrative trials, proceedings or hearings wherein the District is a party or participant, when requested to do so by the Board.

No
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3. **COMPENSATION.** As compensation for the performance of the duties and responsibilities set forth herein, the Firm shall be paid at the following hourly rates:

(a) For legal services performed by attorneys of the Firm, including L. Richard Bratton and John H. McClow, but excluding John R. Hill, Jr.: \$125.00 per hour;

(b) For legal services performed by John R. Hill, Jr.: \$150.00 per hour.

(c) For paralegal services: \$50.00 per hour;

provided, however, that hourly fees for attendance only at meetings and work sessions of the Board and the Board's committees which are attended by more than one attorney of the Firm shall be billed to the District for only one attorney.

4. **EXPENSES.** In addition to the hourly fees set forth above, the District shall reimburse the Firm for expenses incurred by the Firm on behalf of the District, including, without limitation, long distance telephone charges, copies, mailing expenses, travel expenses for travel on behalf of the District, electronic research charges, filing fees and other litigation costs.

5. **BILLING AND PAYMENT.** The Firm shall provide a monthly billing to the District which shall contain a description of the legal services provided to the District during the preceding billing period, itemized and subtotaled by categories which shall be mutually agreed upon by the parties, together with an itemization of expenses incurred on behalf of the District. The Board shall review each billing at the next regular meeting of the Board following receipt of the billing by the District and approve for payment such amount as the Board deems appropriate. The District shall pay each monthly billing within five (5) business days after the bill has been reviewed and approved by the Board.

6. **TERM.** The term of employment of the Firm shall be for a period of one year, beginning on the 1st day of January, 1995, and ending on the 31st day of December, 1995. Either party may terminate this Agreement, for any reason, upon thirty (30) days' written notice.

7. **QUALIFICATION.** The District's Attorneys shall at all times be licensed attorneys authorized to practice in the State of Colorado, and shall at all times maintain a high level of competency in the performance of their duties.

8. **MEDIATION.** In the event of any dispute relating to this agreement, the parties agree to submit such dispute to mediation with a mediator agreed upon by the parties. In the event the parties fail to resolve the dispute by mediation within thirty (30) days from the date of a notice by either party requesting mediation, the parties agree that the matter shall be submitted to binding arbitration. The arbitration shall be governed by Colorado law and shall be conducted according to the Commercial Arbitration Rules of the American Arbitration Association.

9. **MISCELLANEOUS.**

(a) All notices and other communications required or permitted under this agreement shall be in writing and shall be, as determined by the person giving such notice, either hand delivered, mailed by certified mail, return receipt requested to the required party at the following addresses:

DISTRICT: Upper Gunnison River Water Conservancy District
275 South Spruce Street
Gunnison, Colorado 81230
Attention: Tyler Martineau

FIRM: Bratton & McClow LLC
232 W. Tomichi, Suite 202
P. O. Box 669
Gunnison, Colorado 81230
Attention: L. Richard Bratton

Notice shall be deemed delivered at the time of personal delivery, or when mailed to the required party. Either party may change its address by giving written notice of a change of address to the other party in the manner provided in this paragraph.

(b) This agreement is executed in Gunnison County, Colorado, and shall be interpreted, construed and governed by the laws of the State of Colorado.

DRAFT

(c) This agreement may be executed in counterparts, each of which shall for all purposes be deemed an original and all of which together shall constitute one and the same agreement.

**UPPER GUNNISON RIVER WATER
CONSERVANCY DISTRICT**

ATTEST:

By: _____
William S. Trampe, President

Mark Schumacher, Secretary

BRATTON & McCLOW LLC

By: _____
John H. McClow, Managing Member

AGREEMENT FOR BOOKKEEPING SERVICES

This Agreement is entered into and effective January 1, 1995 between the Upper Gunnison River Water Conservancy District (District), a water conservancy district established under the Water Conservancy Act, and Claire D. Ayraud, doing business as Ayraud Accounting (Ayraud).

1. Employment. The District shall employ Ayraud and Ayraud shall serve the District, on the terms and conditions set forth in this Agreement.

2. Term. This Agreement shall commence on January 1, 1995, and continue until and including December 31, 1995.

3. Duties. During her employment hereunder, Ayraud shall perform the following services for the District, and such other bookkeeping services as are from time to time requested by the President, Treasurer, or Manager of the District.

a. Prepare monthly payroll for employees of the District and maintain all other payroll records, including:

- i. Individual payroll records;
- ii. Monthly payroll records;
- iii. Quarterly payroll reports, i.e. Federal 941, Colorado Withholding Tax Return, and Colorado Unemployment Insurance Tax Report;
- iv. Yearly payroll reports, i.e. Colorado Annual Reconciliation of W2's and Quarterly tax returns;
- v. Federal and Colorado withholding deposits;
- vi. W2's, 1099's and associated reports at year end;
- vii. Workmen's Compensation audit reports as required;

b. Receive a checklist and set of submittals from the District including invoices paid, check register, county treasurer's reports of property tax revenues received by the District, and bank statements;

c. Record all funds received by the District including property tax revenues, and bank interest.

DRAFT

d. Reconcile all bank and investment accounts ^{once} ~~one~~ per month.

e. Maintain a summary of interest rates on District bank accounts and expiration dates on certificates of deposit.

f. Keep a general journal, posting all receipts and disbursements.

g. Monthly, to prepare a balance sheet, and statement of revenues and expenses (budget vs. actual, monthly and year to date), a listing of operational expenses paid in each month and a listing of other expenses payable upon approval by the District for each month, and said reports to be delivered to the District six (6) days prior to the monthly Board of Directors meeting. It is understood that these statements will be preliminary only and that the bank reconciliation will be performed after this deadline with any necessary changes made and reported at the next scheduled meeting.

h. Compile bookkeeper's information needed for the District's annual audit.

i. Alert the Treasurer to any proposed disbursements not in compliance with the purchasing policy or to any unbudgeted expenditures.

j. Perform other tasks on a per hour basis as necessary to carry out the bookkeeping functions for the District.

4. Compensation. As compensation for the performance of the duties and responsibilities set forth herein, Ayraud shall be paid by the District at the rate of fifteen dollars (\$15.00) per hour; provided, however, that the District reserves the right to review and approve the total dollar amount billed by Ayraud for bookkeeping services for any month. Ayraud shall provide a monthly billing to the District which shall contain a description of the bookkeeping services provided to the District during the preceding month. The District shall review each billing at the next regular meeting of the Board of Directors following receipt of the billing by the District and approve for payment such amount as the Board deems appropriate.

5. Independent Contractor. Ayraud is retained only for the purposes and to the extent set forth in this Agreement, and her relationship to the District shall be that of an independent contractor. As such, Ayraud shall not be entitled pension, insurance or similar benefits and which are or may be available to employees of the District.

DRAFT

Subject to the requirements of paragraph 3, as an independent contractor, Ayrud shall be free to devote her time and attention to such activities as she wishes, devoting only such time and attention to services performed of the District pursuant to this Agreement as Ayrud deems necessary and appropriate.

6. Termination of Agreement.

a. Without cause, either party may terminate this Agreement upon sixty (60) days written notice.

b. With cause, this Agreement may be terminated by either party by delivery of written notice of termination. *Every time immediately*

c. Upon the effective date of termination of this Agreement, all documents, books, records, files and any other property of the District in the custody or control of Ayrud shall be immediately surrendered to the District, and Ayrud expressly waives any claim to such material by virtue of it being work product. *with*

7. Mediation. In the event of any dispute relating to this Agreement, the parties agree to submit such dispute to mediation with a mediator agreed upon by the parties. In the event the parties fail to resolve the dispute by mediation within thirty (30) days from the date of notice by either party requesting mediation, the parties agree that the matter shall be submitted to binding arbitration. The arbitration shall be governed by Colorado law and shall be conducted according to the Commercial Arbitration Rules of the American Arbitration Association.

8. Miscellaneous.

a. All notices and other communications required or permitted under this Agreement shall be in writing and shall be, as determined by the person giving such notice, either hand delivered, mailed by certified mail, return receipt requested to the required party at the following addresses:

DISTRICT: Upper Gunnison River Water Conservancy
District
275 South Spruce Street
Gunnison, CO 81230
Attention: Tyler Martineau

AYRAUD: Claire D. Ayrud
Ayrud Accounting
Post Office Box 311
Crested Butte, CO 81224

Notice shall be deemed delivered at the time of personal delivery, or when mailed to the required party. Either

party may change its address by giving written notice of a change of address to the other party in the manner provided in this paragraph.

b. This Agreement is executed in Gunnison County, Colorado and shall be interpreted, construed and governed by the laws of the State of Colorado.

c. This Agreement may be executed in counterparts, each of which will for all purposes be deemed an original and all of which together shall constitute one and the same agreement.

d. This Agreement constitutes the entire and only agreement between the District and Ayraud. All prior negotiations, agreements, representations and understandings, whether written or oral, are merged into and superseded by this Agreement and shall be of no further force and effect.

UPPER GUNNISON RIVER WATER
CONSERVANCY DISTRICT

BY: _____
William S. Trampe, President

ATTEST:

Mark Schumacher, Secretary

AYRAUD ACCOUNTING

BY: _____
Claire D. Ayraud

DRAFT

EMPLOYMENT AGREEMENT

THIS AGREEMENT is entered into on ~~January 9, 1995~~ ~~January 10, 1994~~ between the **UPPER GUNNISON RIVER WATER CONSERVANCY DISTRICT** (District) and **TYLER MARTINEAU** (Manager).

1. **Employment.** The District employs the Manager and the Manager accepts employment upon the terms and conditions contained in this Agreement.

2. **Term.** The term of this Agreement shall begin on February 1, ~~1995~~ ~~1994~~, and shall terminate on January 31, ~~1996~~ ~~1995~~.

*Correspond
to
Dec.*

3. **Compensation.** The District shall pay the Manager for all services rendered a salary of Forty-Seven Thousand Five Hundred Dollars (\$47,500.00) per year, payable in equal monthly installments on the last business day of each month. Salary payments shall be subject to withholding and other applicable taxes.

4. **Duties.** The District hereby employs the Manager as General Manager of the District, with such precise powers and duties in that capacity as may be determined from time to time by the Board of Directors (Board). Notwithstanding the ability of the Board to expand or curtail the powers and duties of the Manager, the Manager's duties shall generally include, without limitation, the following:

- a. Administration of the day-to-day business affairs of the District;
- b. Preparation of an agenda and appropriate background information regarding substantive issues to be addressed by the Board for use at meetings of the Board, and attendance at all regular and special meetings of the Board;
- c. Representation of the District, as directed by the Board, in its dealings with governmental and non-governmental agencies, commissions and authorities (excluding legal representation) and with the general public, including attendance on behalf of the District at such meetings and conferences as the Board shall authorize and direct;
- d. Management of engineering services relating to the maintenance of the conditional water rights held by the District, support of any plan for augmentation approved by the Board, water studies and similar engineering services.