

RECORD OF PROCEEDING

**SOUTHEASTERN COLORADO WATER
ACTIVITY ENTERPRISE**

MINUTES

November 21, 2013

A regular meeting of the Board of Directors of the Southeastern Colorado Water Activity Enterprise (Enterprise) was held on Thursday, November 21, 2013 at 9:39 a.m., at the District office, 31717 United Avenue, Pueblo, Colorado.

President Long announced a quorum was present.

DIRECTORS PRESENT:

Bill Long	Harold Miskel (arrived 9:55)	Vera Ortegon
Ann Nichols	Greg Johnson	Kevin Karney
Gibson Hazard	Gary Bostrom	Tom Goodwin
Jay Moore (arrived 9:45)	Howard "Bub" Miller	Leonard Pruett
Carl McClure (arrived 9:47)	Shawn Yoxey (arrived 9:41)	David Simpson

DIRECTOR(S) ABSENT AND EXCUSED:

Alan Hamel-Advisory Board Member

ENTERPRISE OFFICIALS PRESENT:

Executive Director James Broderick; General Counsel Lee Miller; Administrative Manager Toni Gonzales; Project Engineer Kevin Meador; Director of Engineering and Resource Management Bob Hamilton; Project-Program Coordinator Jean Van Pelt; Administrative Support Specialist Leann Noga; Garden Coordinator Elizabeth Catt; Special Water Counsel Steve Leonhardt and Alix Joseph; and Federal Lobbyist Ray Kogovsek.

VISITORS PRESENT:

Chris Woodka, The Pueblo Chieftain; Terry Book, Board of Water Works of Pueblo; Ken Lykens and Kevin Bergschneider, HDR Engineering; Mark Pifher, Colorado Springs Utilities; Jack Goble, Lower Arkansas Valley Water Conservancy District; Jim Baldwin, Otero County; Tom Simpson, Aurora Water; Christina Thiebaut, U.S. Senator Mark Udall's office; Dan Henrichs, High Line Canal Company; Steve Witte, Colorado Division of Water Resources-Division 2; Terry Dawson, U.S. Bureau of Reclamation; David Mau, U.S. Geological Survey; and Mark Scott, GEI Consultants.

RECORD OF PROCEEDING

APPROVAL OF MINUTES:

President Long asked if the members of the Board had received their copy of the minutes of the October 17, 2013 Board meeting, and if there were any corrections or additions. Hearing none, Mrs. Ortegon moved, seconded by Mr. Hazard, to approve the minutes. Motion unanimously carried.

FINANCE COMMITTEE REPORT:

Treasurer Nichols reported the financial statements for September and October were posted to the Board website for review. Treasurer Nichols moved, seconded by Mr. Johnson, for acceptance of the September and October 2013 financial statements and payment of the October and November 2013 bills. Motion unanimously carried.

CONSENT ITEMS:

None

PRESENTATIONS:

FEDERAL LEGISLATION

Christine Arbogast was unable to attend the meeting. Mr. Broderick reported little has changed from the report last month. He reported on meetings to discuss the continuation of federal appropriations. He also reported the Continuing Resolution was still moving forward with monthly allocations being allocated to projects.

The District is still awaiting the approval of the Record of Decision for the Arkansas Valley Conduit to be signed, which will likely be after the confirmation of the Deputy Secretary of Interior.

PUBLIC HEARING

President Long called the District meeting to order at 9:45 a.m., to hold the Public Hearing for the 2014 Proposed Budget jointly with the Enterprise.

Mr. Broderick presented a PowerPoint presentation titled, *2014 Proposed Budget*, reviewing the following:

- Budget Policy
- Highlights
- District Fry-Ark Project Revenue
- Fry-Ark Project Tax Revenue
- Other Fry-Ark Project Revenue
- Operating Revenue
- Revenue
- District Sources of Operating Revenue
- Revenue Interfund Reimbursement
- District Expenditure Fry-Ark Project
- District Expenditures Grant Activity

RECORD OF PROCEEDING

- District Expenditures Operating
- District Capital Outlay
- District Activity
- Enterprise Consolidated Revenue
- Enterprise Consolidated Revenue Grants
- Enterprise Consolidated Operating Revenue
- Enterprise Consolidated Revenue Environmental Stewardship Surcharge
- Enterprise Consolidated Revenue Water Sales
- Enterprise Consolidated Revenue
- Enterprise Consolidated Revenue Participants Payments
- Enterprise Consolidated Expenditures
- Enterprise Capital Outlay
- Use of Reserve Funds

President Long asked the Board members if there were any questions. The few that were asked were answered by Mr. Broderick. President Long then asked if there were any questions from the public, there were none.

President Long recessed the District meeting at 10:25 a.m.

AVC, EXCESS CAPACITY MASTER CONTRACT, AND NEPA UPDATE

Jean Van Pelt reported that Mr. Broderick had covered this update during his federal legislation report.

ACTION ITEMS:

None

INFORMATIONAL ITEMS:

The Board was provided written material on the following topics, which were posted to the Board website:

- AVC, Excess Capacity Master Contract, and NEPA Update

President Long recessed the Enterprise meeting at 10:26 a.m., and reconvened at 11:28 a.m.

EXECUTIVE SESSION

Lee Miller reported a request has been made for the Southeastern Colorado Water Activity Enterprise to enter Executive Session for the purpose of:

Discussion with legal counsel on the Return Flow Exchange Application (Case No. 01CW151, Water Division 2)

RECORD OF PROCEEDING

Pursuant to:

- C.R.S. §24-6-402(4)(b): (Conferences with an attorney for the local public body for the purposes of receiving legal advice on specific legal questions)
- C.R.S. §24-6-402(4)(e): (Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators)

The presence of the following persons is requested at this Executive Session:

1. Non-Excused Board Members
2. Executive Director
3. General Counsel
4. Special Water Counsel
5. Director of Engineering and Resource Management

MINUTES WILL BE ELECTRONICALLY RECORDED AS REQUIRED BY THE COLORADO OPEN MEETING ACT

Dr. Jay Moore moved, seconded by Mr. Howard “Bub” Miller, to convene into Executive Session. Motion unanimously carried. The Enterprise Board entered into Executive Session at 11:32 a.m.

REPORT OUT OF EXECUTIVE SESSION

Lee Miller reported that the Board received legal advice regarding the Return Flow Exchange Application (Case No. 01CW151, Water Division 2) to determine positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators. No action is required from the Executive Session.

OTHER BUSINESS MATTERS:

President Long asked if there were any other matters to come before the meeting, and hearing none, adjourned the meeting at 12:31 p.m.

Respectfully submitted,

Toni Gonzales
Administrative Manager

Secretary

