

**BYLAWS
OF
THE NORTHWEST COLORADO COUNCIL OF GOVERNMENTS
WATER QUALITY/QUANTITY COMMITTEE**

Date: July 1999

The Northwest Colorado Council of Governments Water Quality/Quantity Committee, (“QQ Committee”), was first established in 1973 as a cost savings measure designed to coordinate legal activities related to transmountain diversions in the headwaters Counties.

The QQ Committee monitors water development activities and legislative initiatives which affect water quality or quantity in the basin of origin. Regularly scheduled meetings of the QQ Committee operate as a forum for policy formulation and legal strategy decision-making by QQ Committee members. The QQ Committee staff provides litigation and advocacy support, monitoring of legislative activities, West Slope water policy, activity coordination, water quality information, transmountain diversions oversight, and technical assistance to members to further intergovernmental cooperation and increase political clout with State and Federal agencies.

The purpose of the following Bylaws is to formalize the internal affairs of the QQ Committee. These Bylaws provide definition and consistency to the structure and operation of the organization.

ORGANIZATION

The QQ Committee is a specialized service of the Northwest Colorado Council of Governments. The Northwest Colorado Council of Governments is organized pursuant to Article XIV, Section 18, of the Colorado Constitution and C.R.S. §§ 29-1-401, et seq., 29-1-401, and 29-1-401. The QQ Committee is governed by its membership.

FINANCIAL ADMINISTRATION

The QQ Committee funds shall be administered by the membership. The QQ Committee shall establish an annual budget setting forth the authorized expenditures. Operating revenues shall consist of annually-levied dues from members.

MEMBERSHIP

Members of the QQ Committee may include counties, municipalities, and special districts within the Headwaters of the Colorado Basin, and any other entities as approved by the membership. Associate Members may be appointed by the QQ Committee from time to time. Associate Members shall not be entitled to vote.

MEETINGS

The QQ Committee shall meet quarterly or as needed.

OFFICERS

The officers of the QQ Committee shall consist of a Chairman and Vice Chairman. These officers shall be elected annually at the first membership meeting.

VOTING

The NWCCOG Water Quality/Quantity Committee has been successful due in large part to decision by consensus. This method of practice is encouraged. However, the membership realizes that times arise when voting by the membership must occur. When voting is required, the procedure shall be as follows:

All members of the QQ Committee are entitled to vote on any matter for which a vote is required. Each member County in attendance when a vote is called shall have a total of one vote. All member Towns within a county in attendance, when a vote is called, shall collectively have one (1) vote, and individually have a fraction of one (1) vote determined by the total number of member towns, within the county. All Water Special Districts and/or Sanitation Special Districts within a county in attendance when a vote is called shall collectively have one (1) vote, and individually have a fraction of one (1) vote determined by the total number of member special districts within the county. Normally an elected official from the member jurisdiction is required to vote for that jurisdiction. Staff of a member has the right to vote only in the absence of an elected official from the member jurisdiction.

[By way of example, if five (5) counties are members of QQ, but only three (3) are present at a meeting, a total of three (3) votes will be cast by counties. If five (5) towns from County "A" are members of QQ, but only one (1) is present at a meeting, the sole town will cast one (1) vote, not 1/5 of a vote. If seven (7) water and sanitation districts are members of QQ from County "A", but only three (3) attend a meeting, each organization will cast $\frac{1}{3}$ of a vote, and not 1/7 of a vote.] Any member paid in full shall be able to call for a vote. When a member calls for a vote on an issue, and the call is duly seconded, a vote shall occur.

When a vote is called, each member shall vote as a single voice. There shall be no casting of split votes by a member. A member may choose to abstain from casting a vote.

Each member's vote must be exercised by some representative of that member; voting by proxy is not permitted.

A member's representative may only represent and vote on behalf of one member.

In order for any vote to be effective, a quorum of the total membership must be present at a meeting. A quorum is defined as seven (7) votes. [By way of example, a quorum of seven (7) votes could represent three (3) counties, one (1) town, and three (3) water and sanitation districts from different counties present at a meeting.]

A majority vote by those members present at any meeting, provided a quorum is present, is required to pass any measure set to a vote.

A simple majority vote of the members present at a meeting at which new members are chosen is required for new members to be granted membership.

Notice of the date, time and place of any meeting shall be given to all members at least one week before such meeting is convened.

The following actions shall require a board decision. Voting shall occur on other matters if a member calls a vote and it is duly seconded:

- Adoption of the annual budget,
- Amendments to the Bylaws,
- Acceptance of new members.

AMENDING THE BYLAWS

A two-thirds vote of those members present at a regular or special meeting is required for an addition, a deletion, and/or an amendment to the Bylaws. One week notice is required to all members prior to the regular or special meeting at which the proposed Bylaws change is to be considered.

SELECTION OF THE EXECUTIVE COMMITTEE

The Executive Committee shall be comprised of a minimum of five (5) members and a maximum of seven (7) members. Elected officials are encouraged to be members of the Executive Committee; however, a member may appoint a senior staff member of their organization as their Executive Committee representative. The Executive Committee shall be comprised of at least one (1) representative from the following organizations:

- Eagle County
- Grand County
- Summit County
- Town
- Water and/or Sanitation Special District

The Executive Committee shall monitor the budget and expenditures and provide general guidance to the staff and contractors.

ACCESS TO FUNDS

QQ Committee funds shall be maintained in any type of account as determined by the QQ Committee. Funds shall be maintained by QQ and the Executive Committee shall approve expenditures made from that account.

LEGAL DEFENSE FUND

The Annual Budget shall include a line item known as the Legal Defense Fund. The purpose of the Legal Defense Fund shall be two-fold. First, the fund is to be used to cover unanticipated reductions in revenue caused by the loss of members. Second, the Legal Defense Fund shall be used to cover expenses associated with rule making proceedings, litigation and other matters outside of the regular budget that benefit the entire membership and that have been approved by the Executive Committee. The Legal Defense Fund shall be replenished through a policy adopted by the QQ Committee. To the extent the fund is not sufficient to cover approved expenditures; the QQ Committee shall authorize a special assessment.

POLICIES

- I. PROTECT AND IMPLEMENT LOCAL GOVERNMENT AUTHORITY TO PROTECT WATER RESOURCES
 - A. Strengthen available tools to protect water quality and quantity. Defend against attacks on 1041 and other local government regulatory authority when necessary.
 - B. Assist local governments to strengthen and implement water quality provisions of their land use codes.
 - C. Fund legal services to local governments for specific projects when the QQ Committee approves involvement and expenditures from the Defense Fund.

- II. BUILDING COALITIONS AND EDUCATION
 - A. Advocate the headwater communities' water quality and quantity interests throughout the State. Identify and work with other groups statewide that share QQ's concerns. Develop educational tools for varied audiences.
 - B. Identify strategies to minimize Front Range's dependency on West Slope water resources. Advocate "smart growth" to those utilizing headwater sources as water supplies; oppose the ad hoc policy of growth driving demand for imported water supplies.

- C. Coordinate with elected officials, private sector and other decision makers on water quality issues. Develop working relationships with governmental entities, the private sector and others where appropriate.
- D. Foster cooperative regional management of water resources. Minimize redundant systems.

III. TRANSMOUNTAIN DIVERSION OVERSIGHT

- A. Evaluate potential future Front Range water development projects and alert QQ members of possible impacts.
- B. Influence operations of existing projects to minimize local impacts where possible.
- C. Advocate for all transmountain diversion water to be re-used to extinction by Front Range diverters.
- D. Provide technical assistance to QQ members to determine water quality and quantity impacts caused by new or expanded transmountain diversion. Identify measures and conditions that would help mitigate those impacts. Assist the local government with 1041 permitting of water projects.
- E. Educate Front Range elected officials on transmountain diversion impacts in the headwaters communities.

IV. WATER QUALITY

- A. Protect local wastewater facilities from increased operational costs caused by hydrologic modifications and transmountain diversions.
- B. Advocate regional interests during rulemaking hearings before the Water Quality Control Commission and the Colorado Water Conservation Board that affect the upper Colorado River Basin.
- C. Defend regional water quality Management Plan (208 Plan).
- D. Insure that water development in headwaters region does not adversely impact water supply.
- E. Limit interpretations of Section 104 of the Colorado Water Quality Control Act so that it is not used to immunize water development activities from water quality protection requirements.

- F. Assist local governments in adopting NWCCOG/QQ's Water Quality Protection Standards and other measures to protect local water quality.

V. INFLUENCE WATER POLICY

- A. Identify and plan for future West Slope water needs.
- B. Coordinate with State water planning efforts. Participate in State water policy initiatives and forums. Help formulate and implement water quality and water quantity policy.
- C. Educate policy makers and expand scope of state water policy to include water quality, headwater impacts and recognition of instream water uses.
- D. Develop strategies to improve conservation measures on the West Slope.
- E. Support instream flow program in this region.