

# QQ Board Retreat: The Future is Now

Thursday, April 26 to Friday, April 27

**Eagle Town Hall**

200 Broadway, Eagle, CO, 81613

## AGENDA

### THURSDAY, APRIL 26<sup>TH</sup>

10:00 **Welcome & introductions**

10:15 **Purpose of the Retreat: Why This, Why Now?**

**Rachel Richards** will provide an overview of the goals of the retreat and introduce **Marjo Curgus**, the workshop facilitator, who will review the agenda.

10:30 **Celebrating Our Successes: Reviewing QQ's History and Successes**

**QQ contract team** will reflect on the successes of the QQ over the past 40 years followed by the QQ sharing their own ideas about the QQ's accomplishments.

11:00 **Ebbs and Flows in the Colorado River - Collaboration or Conflict?**

**Anne Castle**, fellow at CU's Getches-Wilkinson Center for Natural Resources, Energy and the Environment and the former Assistant Secretary for Water in the US Department of the Interior, will present on the challenges and opportunities of managing water for the Colorado River.

12:30 LUNCH *sponsored by Eagle County*

1:00 **Identifying Opportunities for Collaboration**

The QQ cannot accomplish its long-term goals alone. In this facilitated discussion, we will identify how the QQ can take advantage of collaborating with other agencies to advance QQ goals.

1:40 **Managing QQ Contractors & Board Transitions**

The QQ policies provide a guide for contract team in developing annual work plans. Each year, the contract team determines how work will be completed based on budget, priorities, and resource availability. This year marks a transition period. Prior to diving into the work plan, **the contract team** will present the transition plan for Lane's departure, Barb's reduced role over time, and Torie's project management leadership. Additionally, both the Chair and Vice-Chair positions will need to be filled. We will review and refine a recommended process for nominations and elections for the QQ Board.

2:20 **Confirming Priorities: Are We Heading in the Right Direction?**

**The contract team** will present priorities for the 2018/19 work plan, expectations for special projects, and timelines. Following a discussion and confirmation of priorities, we will use the remainder of the afternoon to explore key topics of QQ work including:

- QQ Member Support in 2018/19

- Implementation of the State Water Plan: QQ Focus 2018/19 and beyond
- Pending Policy Issues (Legislative and Collaborative)

4:00 **Aligning Resources with Priorities: Do We Need to Adjust Anything?**  
Based on a review of the work plan, we will review the QQ's budget revenues and expenditures.

4:30 **END**

6:00 Group dinner at the [Dusty Boot Roadhouse](#) (1099 Capitol St, Eagle, CO 81631)  
Sponsored by Pitkin County Healthy Rivers and Streams Board

## FRIDAY, APRIL 27<sup>TH</sup>

6:30-8:00 BREAKFAST (provided for those staying at Best Western).

*(Coffee & light snack provided for meeting.)*

8:30 **Welcome & Reflection**

8:45 **Charting a Course for the Future: QQ Strategic Planning**

Yesterday we focused on what the QQ is doing this year and into 2019. Today we will shift to thinking about what priorities ought to be in the future. We will discuss:

- What are the biggest concerns about water for QQ communities now and into the future?
- How can the QQ enhance the capacity of QQ members to face those challenges?
- What should the QQ be doing now to prepare to address those challenges?

11:15 **Wrap Up and Next Steps**

12:30 **END**

*Snacks and meals for retreat sponsored by Pitkin County Healthy Rivers Board and Eagle County. Thank you!*

# **BYLAWS**

**OF**

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

Date: June 29, 2011

The purpose of these bylaws is to formalize the internal affairs of Northwest Colorado Council of Governments Water Quality/Quantity Committee and provide definition and consistency to its structure and operation.

### **ORGANIZATION**

The Northwest Colorado Council of Governments Water Quality/Quantity Committee (“QQ”) is a group of local governments in the headwaters of the Colorado River Basin dedicated to protecting the region’s water quality and quantity. The group funds and oversees litigation and advocacy support, monitoring of legislative activities, policy formulation and analysis, and provides technical assistance to members. QQ directs a team of consultants to carry out these activities. The consultants are guided by policies adopted by QQ members. QQ also maintains and oversees a legal defense fund.

QQ was first established by a subset of Northwest Colorado Council of Governments (“NWCCOG”) members in 1978 as a way to coordinate and fund legal and technical activities among headwater local governments related to transmountain diversions. Since that time, its membership has expanded to include counties and municipalities outside the NWCCOG region, as well as water and wastewater providers. QQ is governed by its members, these bylaws and its policies.

### **MEMBERSHIP**

QQ members may include counties, municipalities, and special districts within the headwaters of the Colorado River Basin, and any other entities as approved by the membership. The QQ members may also allow non-voting associate members to join.

### **FINANCIAL ADMINISTRATION**

QQ funds and expenditures shall be administered by the membership in accordance with an annual budget. Revenues shall consist of annually-levied dues from members, grants, and other sources identified and approved by QQ. QQ funds shall be maintained in any type of account as determined by the members.

## **MEETINGS**

QQ shall meet quarterly or as needed. Notice of the date time and place of any meeting shall be given to all members at least one week before the meeting is convened. All meetings shall be open to the public. The members may vote to go into executive session to receive legal advice and for other matters allowed by law. Meetings may be attended by the elected officials and staff of QQ members.

## **OFFICERS**

The membership shall elect a Chair and Vice Chair to oversee meetings and serve as day to day contact for consultants as necessary.

## **DECISION MAKING**

QQ encourages decision making by consensus. If a vote is deemed appropriate, a majority vote is required to pass any measure. No vote shall be taken unless a quorum is present. A quorum shall consist of seven members.

## **AMENDING THE BYLAWS**

A two-thirds vote of those members present at meeting is required to amend the bylaws.

## **LEGAL DEFENSE FUND**

QQ shall maintain a legal defense fund. The purpose of the legal fund is to fund unanticipated professional services such as legal counsel, engineering consultation, or other experts to conduct work that goes beyond the annually-approved scope of services and budget. Challenges to land use authority, transmountain diversion proposals, state rulemaking proceedings, and other unanticipated legal actions may create the need for these increased professional services.

Expenditures from the legal defense fund shall be approved by the QQ members.

## **POLICIES**

QQ may adopt various policy statements on matters of concern to guide the consultants' work and to provide a unified focus for its members. The existing policy statements are attached and incorporated as Exhibit A. QQ will periodically review its policies and make changes as needed.

## **Exhibit A**

### **QQ POLICIES**

- I. **PROTECT AND IMPLEMENT LOCAL GOVERNMENT AUTHORITY TO PROTECT WATER RESOURCES**
  - A. Defend against attacks on 1041 and other local government regulatory authority.
  - B. Strengthen and implement water quality provisions of municipal and county land use codes.
  - C. Support legislation or policies designed to minimize impacts of transmountain diversions.
  
- 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. 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.
  - C. Foster cooperative regional management of water resources. Minimize redundant systems.
  - D. Seek support of other local governments and organizations in efforts to protect headwaters interests.
  
- III. **TRANSMOUNTAIN DIVERSION OVERSIGHT**
  - A. Transmountain diversion projects will not be supported by QQ unless all socioeconomic and environmental impacts are mitigated to the satisfaction of the affected governmental units.
  - B. Existing water projects should be operated to minimize local impacts where possible.
  - C. Transmountain diversion water should be re-used to extinction to the extent allowed by law.
  - D. Cooperate to determine water quality and quantity impacts caused by new or expanded transmountain diversion; identify measures and conditions that would help mitigate those impacts; and assist the local government with 1041 permitting of water projects.

- E. Implement intergovernmental agreements among member jurisdictions to extend regulatory oversight beyond individual jurisdictional boundaries so that the impacts of water diversion projects can be fully addressed.
- F. Educate Front Range elected officials on transmountain diversion impacts in the headwaters communities.

**IV. WATER QUALITY**

- A. Water development activities should not have an adverse effect on the quality of water resources.
- B. Local wastewater facilities should be protected from increased operational costs caused by hydrologic modifications and transmountain diversions.
- C. Regional water quality interests should be protected during rulemaking hearings before the Water Quality Control Commission and the Colorado Water Conservation Board that affect the upper Colorado River Basin.
- D. Defend and update the regional Water Quality Management Plan (208 Plan).
- E. Coordinate local governments' efforts to adopt Water Quality Protection Standards and other measures to protect local water quality.

**V. STATEWIDE WATER POLICY**

- A. West Slope consumptive and non-consumptive needs should be integral to state-wide water policy.
- B. Oppose water policies that protect east slope interests at the expense of headwater water quality and quantity.
- C. Water conservation and efficiency measures in Colorado should be increased.
- D. Instream flow programs should be protected.
- E. Programs that allow agricultural users to transfer water to municipal uses on a temporary basis should be implemented.

# NWCCOG/WATER QUALITY AND QUANTITY COMMITTEE

## SCOPE OF SERVICES 2018

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### I. INITIATIVES AND PROJECTS FOR THE YEAR 2018

#### A. COALITIONS AND EDUCATION (Implements Policies I, II, V)

- (1) Facilitate “fact-based” discussions of headwater impacts associated with Front Range growth and the importance of integrating land use planning and water supply planning statewide.
- (2) Continue to inform Front Range policymakers and legislators about headwaters issues and transmountain diversion impacts in appropriate forums.
- (3) Collaborate with other East Slope and West Slope organizations to strengthen public awareness and educate Front Range citizens about headwater issues and transmountain diversion impacts on the West Slope.
- (4) Track and educate members on emerging water-related recreation issues.
- (5) Develop relationship with state-wide media to promote education on QQ issues. Send letters to the editors of the local and state newspapers on water issues to promote QQ policies and refute mis-information.
- (6) Organize and present information, such as the *Water & Its Impact to the Economies of the Headwaters Counties* report and QQ’s model water quality standards at meetings, workshops and other venues to advocate headwater perspectives throughout the State.
- (7) Serve on appropriate State and local task forces or committees to promote QQ’s interests.
- (8) Track and coordinate efforts with other groups and organizations to ensure awareness of diverse West Slope water concerns.
- (9) Increase efforts to inform certain stakeholders of unintended adverse impacts to local authority; and attempt to convey a more thorough understanding of current law.

#### B. COLORADO’S WATER PLAN, BASIN ROUNDTABLES AND 1177 PROCESS (Implements Policies I, III, V)

- (1) Track the outcome of any potential legislation as a result of the 1177 process and Colorado's Water Plan that may be counter to Headwater interests.
- (2) Participate in the Colorado Basin Roundtable and prepare reports to members as needed when important issues arise.
- (3) Evaluate opportunities to identify and promote headwater interests through this initiative.
- (4) Track IBCC process and alert members of issues that arise. Prepare draft letters and comments as needed.
- (5) Participate in the implementation and updating of the Colorado Water Plan; advocate for Headwaters interests; provide support and analysis to efforts of elected officials and member jurisdictions to influence Water Plan policy.

C. EVALUATE AND MONITOR TRANSMOUNTAIN DIVERSION PROPOSALS (Implements Policies I, II and III).

- (1) Participate in environmental assessment processes.
- (2) Retain and supervise necessary technical consultants.
- (3) Work with member jurisdictions to cooperate on review and mitigation of impacts that go beyond the boundaries of the permitting County through intergovernmental agreements.
- (4) Assist the member counties and municipalities with 1041 permitting as requested.
- (5) Follow activities of Front Range Water Council.

D. STREAM MANAGEMENT AND NON-CONSUMPTIVE NEEDS (Implements Policies II, III, IV, V)

- (1) Continue to work with QQ members and Front Range diverters to implement solutions to identified in-stream impacts of transmountain diversions.
- (2) Monitor, provide technical assistance and advocate for Headwaters interests in Learning By Doing, Grand Lake Clarity adaptive management processes, and Colorado River Cooperative Agreement implementation.



- (3) Provided the opportunity, explore and promote UPCO concept with other basins, including the Stream Management Plan approach.
- (4) Assist member jurisdictions in efforts to support Colorado Water Conservation Board (“CWCB”) Instream Flow Program and ensure state representatives understand the value of the program.
- (5) Assist member jurisdictions in the creation and protection of recreational in-channel diversions. Track Recreational In-channel Diversions filings and CWCB hearings in QQ region.
- (6) Assist members to determine nonconsumptive stream flow needed to protect recreation and environmental values during Colorado River Roundtable process.
- (7) Assist member jurisdictions in Wild and Scenic Rivers processes.

E. LOBBYING IN COLORADO LEGISLATIVE SESSION (Implements Policies I, II, V)

- (1) Provide policy analysis on legislative bills as they affect members’ authority.
- (2) Participate in development of any state water planning legislation.
- (3) Lobby on water-related bills that QQ has taken a position on, or based on QQ’s mission and policies.
- (4) Draft testimony, or assist in preparing testimony for QQ elected officials, as needed.
- (5) Communicate and collaborate with other entities where interests overlap.
- (6) Provide reports and action alerts to members on legislation, outlining pros and cons and recommending a QQ position based on QQ policies and member feedback.
- (7) Prepare alternatives to legislation that is counter to QQ’s interests as directed by the QQ Committee.
- (8) Evaluate and encourage legislation that furthers QQ interests. Possibilities include reuse, instream flows, metropolitan efficiency, special district legislation, or favorable changes in water law to promote conservation and the strengthened connection between land use and water planning.
- (9) Participate in the Colorado Water Congress and other organizations that may create and or influence legislation pertinent to QQ’s issues.

F. WATER QUALITY PROTECTION (Implements Policies II, III, IV, V)

- (1) File motions for party status on behalf of member jurisdictions and Participate in State Water Quality Control Commission (“WQCC”) rulemakings, hearings and meetings that affect Headwaters.
- (2) Participate in stakeholder meetings, Water Quality Control Division (“WCQD”) workgroups, and any rulemaking hearings.
- (3) Monitor WQCC and WQCD activities.
- (4) Continue to participate in the Snake River Task Force to identify remediation alternatives and seek funding for projects. Work closely with the State and others to develop appropriate water quality standards for the Snake River in the next five to ten years.
- (5) Finalize 208 Plan approval by the WQCC. Coordinate with NWCCOG to maintain 208 administrative responsibilities as determined by membership.
- (6) For a fee that will be passed on to developers, provide 208 Plan consistency review of land development proposals and water and sanitation facility siting on behalf of member jurisdictions during the development application process.
- (7) Coordinate with Water and Sanitation Districts on issues of interest.
- (8) Represent members in discussions and hearings related to nutrient standards and other rulemakings and assist members in the site specific standards hearing.

G. LOCAL, STATE AND FEDERAL REGULATIONS (Implements Policy I, III)

- (1) For reduced hourly rate, provide legal and technical assistance to member’s staff in revisions of their 1041 Regulations or other land use regulations. (Since the revision processes are specific to a particular member, the individual revisions will not fall within services covered by dues. Barbara, Torie and Lane will coordinate to minimize costs to members.)
- (2) Neutralize objections raised by the Front Range and through the IBCC process about the 1041 process.
- (3) Work with members in the QQ region on refinements to land use regulations, policies and technical approaches to protect water quality.

Educate planning departments about the model water quality regulations prepared by QQ and update as necessary.

- (4) Spearhead efforts to maintain County authority over oil and gas operations, including on federal lands, so that water quality and quantity are protected. Work with Department of Natural Resources to introduce County in-put into federal mitigation decision on leases.
- (5) Participate in other state rulemaking proceedings as needed to protect local authority over environmental and water quality impacts of oil and gas, mining and water projects.
- (6) Assist members as needed with federal legislation that approves the study of, or development of, projects leading to further potential transmountain diversions.

H. EVALUATE GROWTH IMPACTS TO WATER RESOURCES FOR MEMBERS (Implements Policies II, IV, V)

- (1) Inform public entities and private sector of regional water quality and quantity impacts of their proposals and identify mitigation measures.
- (2) Continue to assist ski areas through the NEPA processes, 404 permits and 401 certifications in an effort to analyze in-basin impacts.
- (3) Assist QQ members with the development and implementation of water conservation measures outlined in the Colorado Water Conservation Board Water Conservation Planning Guidelines.

**II. LEGAL SERVICES**

- A. Assist members to update 1041 or other land use regulations applicable to water matters at reduced hourly rate. Prepare model regulations for the region.
- B. Represent members in rulemaking hearings in front of Colorado Water Quality Control Commission and other state agencies. (When rulemaking hearings are complex and exceed legal time allotted to QQ, fees for this service may be charged to the Legal Defense Fund after approval by QQ Board.)
- C. Prepare briefs on behalf of members or the organization relating to legal matters of regional importance.
- D. Stay abreast of evolving judicial and legislative decisions that affect member authority and responsibilities in land use, water quality and water quantity issues. Prepare reports to members of these developments.

### III. QQ PROGRAM ADMINISTRATION

- A. Organize and prepare for QQ meetings.
- B. Oversee QQ's program finances and report to QQ Committee.
- C. Meet with NWCCOG Executive Director as necessary to keep her apprised of issues that affect the NWCCOG organization.

### IV. MEMBER SERVICES

- A. Represent QQ Committee at meetings, rulemaking hearings, and state water policy forums.
- B. Be available to QQ members to answer questions and provide technical, legislative and legal expertise on matters regarding water quality or quantity.
- C. Meet with members on individual basis to update elected officials on QQ's activities. Present QQ Program overview to newly-elected officials.
- E. Design QQ meetings as a forum for exchange of ideas and establishment of policy.
- F. Place QQ Committee members on key committees, commissions and boards relative to water quality and quantity issues. Participate on Boards and Commissions.
- G. Provide reports and white papers on regulations, Clean Water Act, water quality and quantity issues.
- H. Encourage and support intergovernmental, inter-jurisdictional cooperation in water matters. Assist members to implement intergovernmental agreements.

COST: FLAT RATE FEE OF **\$162,196.00**. As indicated in the scope of work, and as approved by the QQ Board, the Legal Defense Fund may be used to fund complex rule making hearings, amicus briefs, or other legal and technical defense costs that go beyond this scope of services.



## 2017 Water Quality/ Quantity Committee budget

<b>REVENUE:</b>		<b>2016 actual</b>	<b>2017 budget</b>	<b>2018 budget</b>
<b>TOTAL MEMBER DUES:</b>		\$ 152,060.00	\$ 155,530.00	\$ 160,196.00
	County pledges:	\$ 95,500.00	\$ 98,365.00	\$ 101,316.00
	Municipal pledges:	\$ 40,400.00	\$ 41,612.00	\$ 42,860.00
	Associate pledges:	\$ 3,800.00	\$ 4,120.00	\$ 4,244.00
	Water & San District pledges:	\$ 11,100.00	\$ 11,433.00	\$ 11,776.00
Reimbursed expenses (QQ meeting costs):		\$ 1,260.00	\$ 2,000.00	\$ 2,000.00
CWCB grant (2015)		-	-	-
Unspent carryover:		\$ 21,416.00	\$ 12,416.00	\$ -
<b>TOTAL:</b>		<b>\$ 174,736.00</b>	<b>\$ 169,946.00</b>	<b>\$ 162,196.00</b>
<b>EXPENSES:</b>				
	Personnel	\$ 153,216	\$ 160,652	\$ 152,685
	Memberships	\$ 2,300	\$ 2,300	\$ 2,300
	NWCCOG Indirect Costs	\$ 6,804	\$ 6,994	\$ 7,211
<b>SGS &amp; Jarvis CONTRACT TOTAL</b>		<b>\$ 162,320</b>	<b>\$ 169,946</b>	<b>\$ 162,196</b>
Unspent contract balance		\$ 12,416	\$ -	\$ -
<b>DEFENSE FUND BALANCE:</b>		<b>\$ 100,000</b>	<b>\$ 100,000</b>	<b>\$ 100,000</b>

**Notes:**

\* reflects 3% dues increase in 2017 and 2018, no additional increases are anticipated past 2018.

\* Includes all services in QQ Scope of Work

\* Includes CO Water Congress, Water Quality Form, Upper CO River Wild & Scenic Stakeholders Group, email and website fees

**2018 Anticipated GRANT REVENUE AND EXPENSES:**

<b>GRANT for West Slope legislator work</b>			<b>\$ 24,000</b>
QQ contribution (reflected in personnel, above)			\$ 12,000
<b>TOTAL:</b>			<b>\$ 36,000</b>
<b>Expenses:</b>	Contract lobbyist to work in Legislature on 2-3 key issues during leg. session and interim:		\$ 36,000
<b>TOTAL expenses:</b>			<b>\$ 36,000</b>
<b>Water &amp; Land Use Project:</b> to inventory existing land use code elements related to water for all QQ memebrrs, develop model water savings measures for QQ region, and provide technical assistance for code updates for up to 5 member communities.			
<b>GRANT:Colorado's Water Plan (submitted Oct. 2017)</b>			<b>\$ 25,500</b>
<b>GRANT: WSRA through CO Basin Rtbl (to be submitted)</b>			<b>\$ 5,000</b>
QQ contribution (reflected in personnel, above)			\$ 31,500
<b>Member contribution for technical assistance</b>			<b>\$ 12,500</b>
<b>TOTAL:</b>			<b>\$ 74,500</b>
<b>Expenses:</b>	Develop template for member inventory		\$ 10,000
	Inventory existing water quality and water savings measures		\$ 11,000
	Develop model water savings performance standards		\$ 16,000
	Provide tehcnical support to integrate water measures in land		\$ 37,500
<b>TOTAL expenses:</b>			<b>\$ 74,500</b>