

AGENDA

HEALTHY RIVERS AND STREAMS CITIZENS ADVISORY BOARD

**March 18, 2010 4 p.m.
Pitkin County Courthouse Annex
Plaza One Conference Room
530 E. Main Street, Aspen**

- 1. Public Comment**
- 2. Board Comments**
- 3. Approval of the Minutes
January 21, 2010 and February 18, 2010**
- 4. Appointment of Vice-Chair**
- 5. Castle Creek Hydro Plant
Phil Overeynder - City of Aspen Director of Public Works**
- 6. Ken Neubecker – Water Diversions**
- 7. Catherine Berg – Flood Plain Mapping**
- 8. Discussion concerning a Resolution Supporting the Roaring Fork Watershed
Plan**
- 9. Executive Session**

ADJOURN

Agenda is subject to change

Agenda is subject to change

HEALTHY RIVERS AND STREAMS CITIZENS ADVISORY BOARD

Meeting Minutes

January 21, 2010

**Pitkin County Courthouse Annex Plaza One Conference Room
530 E. Main Street Aspen, CO**

Board members present: Ruthie Brown, Steve Hunter, William Jochems, Rick Neiley Jr., Greg Poschman Lisa Tasker, Andre Wille

Board members absent: None

Others present: John Ely, Cindy Houben, Michael Owsley, Lisa MacDonald

Public Comment

None

Board Comments

None

Approval of the Minutes

Mr. Neiley moved to approve the minutes of November 19, 2009. Mr. Hunter seconded the motion. Motion passed 7 to 0.

By-Law Amendment Discussion

The River Board approved the resolution and directed staff to bring resolution in front of the Board of County Commissioners for approval and final adoption.

Update on water use as it relates to land use

Cindy Houben, Community Development Director, gave an update to the Board about the attachments contained in the Board's packet today. Today's packet materials are informational. She updated the Board of County Commissioners on January 19th about water quantity and quality and how it is handled from an environmental health standpoint for wells in the county.

In July the county will start embarking on an on-site waste water system use permits which will help with water quality issues by allowing us to require a use permit any time a property sells there will be an assessment of the septic system so that we will have a recent inspection of that system to indicate that its functioning properly and not draining out improperly into the soil or into the rivers. This is an administrative type procedure in order for the county to know the status of the permits. Also to help with the data bank to understand where systems are.

Mr. Neiley asked how we are administering that to make sure we get those reports in? Ms. Houben stated they have had 3 meetings so far throughout the valley trying to talk to realtors. Meetings have not been very well attended. There is a blurb in the real estate newsletter and by checking the real estate transaction list to make sure that they are getting the use permits when real estate transacts.

Mr. Neiley suggested getting the information out to the Pitkin County Bar Association too because a lot of the attorneys that do transactional work, would like to know that if they are representing a buyer that they may require the seller to provide that septic system test for valuation before they close.

Ms. Houben asked how she should handle informational items in the future? Just attached informational items to packet so she doesn't have to take up time on the agenda. Chairman Brown stated the board appreciates her personal appearance because it is great to be able to ask questions and go over materials.

Mr. Owsley mentioned the commissioners just had a hearing on snow dumping at their last meeting and the permitting of snow dumping. The County has started a system of licensing or permitting snow dumping, as it has been an issue the past few years because of so much snow. In the past contractors would just dump snow anywhere. The county stated that incorporating a storm water run off water plan, snow dumping should be a part of that because it's essentially delayed run-off. A permitting process at Elam Gravel Pit, Smuggler Mine and T-Lazy 7. Testing needs to happen at the site in the spring to test soil to make sure that contaminants would accumulate at these sites and would enter the soil and then spread out into plumes into peoples' wells. Idea is to catch problem early on and test it early on to see if the sites commutatively are a site of contamination. The City of Aspen's site did not come up in the Board's discussion. That area for Michael is a real problem because its not in the permitting system and hopes to get it into the system as that's snow from the urban area and really the most likely to have significant contamination issue of any of the snow dumps.

Ms. Houben mentioned Ken Kolm's studies on groundwater and we don't have them for every part of the county, at one point the BOCC was giving money through a supplemental budget request every year and commission the studies. Groundwater study is a significant and helpful in the watershed report and are hopeful that we will get the complete range of those studies throughout the valley, but at least now for Pitkin County.

Budget Discussion

John Ely gave a presentation on the fund and spending requests and current funds available. Additionally, he mentioned that we have the ability to bond up to twelve million if something is desirable and not in our immediate grasp.

In dealing with cash we are generating, the Board should assemble a budget. Up to this point the only thing that is budgeted is an amount of money in the sum of \$10,000. for education, training and materials, incidental types of items. The BOCC has approved that line item.

The largest amount to consider spending is simply projects, an unbudgeted sum that would be budgeted at the time and the board wants to take something on.

Mr. Ely would like the Board to consider and recommendation today on funding the County's efforts regarding PSOP, (the Preferred Storage Option Plan), its federal legislation that affects the Fry-Ark project. The idea that is being promoted by the South Eastern Water Conservancy District which is the beneficiary of the of the water that is

diverted through the Boustead Tunnel out of the Fry-Ark Project over to Turquoise Lake then down the Arkansas

If that is accomplished then the effect would be more water than is currently being taken out of the drainages over here, particularly the Frying Pan River. Although the implication is also for additional storage that could be utilized by the Twin Lake Reservoir and Canal Company which diverts water out of the upper reaches of the Roaring Fork and through Twin Lakes and ultimately down to the exact same customers as South-Eastern Water Conservancy has. Those customers being the various consumers around and in the city of Colorado Springs, the city of Aurora, Pueblo and downstream on the Arkansas.

The situation with the Fry-Ark in the 1960s when the project was authorized by the original federal legislation, the project was outlined and described, the collection aspect of that project has never been fully developed, its only been developed far enough to allow the amount of water being diverted now. There are still other areas to be developed other water resources that are associated with the original federal legislation on the project to be obtained.

Ms. Tasker asked if there was someone one who could creatively come up with on the fish solution?

General discussion of PBO and 1978 3000 acre feet exchange at Turquoise Lake ensued.

The action the Board should consider if they are comfortable with it is to recommend spending some of the resources of the fund toward the effort of trying to explore possibilities to meet the challenge of PSOP, that would include lobbying and legal work on the actual proposed legislation and that effort would be bolstered by additional field study, more in-depth, of the status the Frying Pan drainage.

Mr. Ely will explore resources available to us and bring it back to the board and from there budget a line item and recommendation to the BOCC.

Ms. Tasker commented that Boulder County has designated money from their open space department that they give out as grants every year. They come up with some of their own ideas for projects and also will entertain other projects. Wondered if we could get to that point.

Mr. Ely stated the River District does it once a year. They have an annual deadline for submissions and awards. What they had out is relatively insignificant in his sense of it, in relation to their overall budget. It's not like a big part of their program. They do it primarily as an educational tool. The more people who are participating, who seek things, who are awarded things, become more aware of what's going on and then become part of a greater solution, a great dialogue, a bigger buy-in.

He will present a larger list of projects on the next agenda.

Mr. Owsley stated part of this is a political aspect. Open Space and Trails has been able to accumulate their acquisitions and say this is what we've done. So there is a political aspect of what they are spending their money on. That could invite negative feedback, so you have to be very careful of that because what distinguishes the board is that they have money. That's really substantial and keep it in mind.

Mr. Hunter asked if on a meeting by meeting basis, have a spreadsheet, here's our long term projects, mid-term, short-term, and educational and are they in line with the goals.

Mr. Neiley stated they need to have some sort of outline of what they are talking about, what to spend money on, ideas that come up.

Ms. Houben suggested at some point doing a public outreach.

Mr. Wille suggested brainstorming and look around at things that seem good places to money towards and invite some of those people to come in and have an open a conversation with them and see where we might go if they needed funding.

Kayak Park Discussion

John Ely educated the board on the development of the Kayak Park.

In about 2006 or so, the problem to be addressed by it is stream flows and in particular on the Roaring Fork. It seemed that if we were going to do something like this, the reason for it, the primary motivation is to bolster stream flows through the establishment of a Recreational In Channel Diversion ("RICD") water right.

To be able to file for such a right, you have to have the structure to go along with it. The County owns land near the confluence of the Frying Pan, known as the Fisherman's Park. To take advantage of the park that we have and to somehow do something about minimum stream flows down there. The idea was that there are very limited options available to local jurisdictions, counties in particular, to address minimum stream flows. One of the things is a RICD if you can make it work.

Ken Ransford assembled a group of people he thought were the stakeholders so to speak, people from the fly fishing community, CDOT, kayakers, Pitkin County and Town of Basalt staff.

The County and the Town of Basalt, both contributed \$5,000 each for a study by McLaughlin Engineers who have been involved in this type of work before, just to see if it was physically possible or is it something to be scrapped. The RICD idea works to hold water but it's not really good to acquire water. To establish it you have to be able to show viability otherwise you are not going to get out of water court. The old adage was you have to have enough water to float a boat and if you can't float a boat, then you're not going to be able to get the RICD established. Without the RICD being established you couldn't attribute later acquired water to it and let it grow and be a vehicle for increasing stream flows down there.

When McLaughlin came back was to say this would be a great spot for a very feasible and white water park that would actually work. They described it as something that would certainly not be like the Glenwood Springs wave but something that would be a locally serving whitewater facility, something akin to a Buttermilk Mountain in relation to Highlands.

The kayak park represents something the county controls itself. It doesn't have to depend on somebody else. It also represents a back stop if the CWCB doesn't do what they're suppose to. If we do revoke it, it we have cause to revoke it and we get our water rights back, then what do we do? We are still in a position of risking abandonment for the water rights associated with the airport because we can't put them on asphalt. We have to then somehow power up staff wise just to start applying that water back onto open space assets to utilize that water and not risk diminution of that right or perhaps the loss of it. This is the backstop to the trust agreement potentially.

The question is if the Board feels it's a project worth going forward on. There are a lot of ancillary benefits to a water park. It gives them something that's visible. For all intensive purposes, it looks like something that people would like. More than likely it would contribute to the enhancement of a fishery in that stretch of the river because right now there isn't much of a fishery there at all. It allows the community to perhaps be oriented in a different spot to the river just by getting on it and perhaps there is some benefit there too. That's harder to quantify. It establishes a green part of the corridor on the river, the park aspect of it. It does some things for Basalt. It calms their traffic problem on that stretch of Two Rivers. It also eliminates a serious flood problem. There is either too much or too little water resources. In 1995 we had a great snow year and there was a quick run-off, a real warm spring. There was a fairly horrific erosion, the river banked into the road embankment, took the embankment out and one lane of the road went as well. The park would eliminate that problem just by controlling the flow more there.

Mr. Poschman asked if the project could be something that can be done in phases, if it turns out to be a marginal kayak park, could the RICD be applied to a prime fishing spot. Mr. Ely stated you can't it has to be a recreational use with is identified as a floating a boat.

Secondly Mr. Poschman asked if there was a way to be done in phases where you put in the structures, you get it going and find out how popular it is, you could eliminate putting in all the decks and other stuff. It would be a shame to put in structures that wouldn't be necessary.

Mr. Wille asked with the RICD, the flows from Stapleton Ranch would have to come in below the airport is that the only place you could utilize this and you can't use it after Pitkin County's boundary?

Mr. Ely stated you could use it anywhere you want, the reason it was put here, is because this was the low flow reach of the Roaring Fork. So by putting in below the confluence what's the point? There is already a sufficient flow there from Ruedi.

Mr. Wille is concerned about promoting a good project putting all the money into it and the best place on the stretch of the Kayak Park is really the Slaughterhouse bridge, and that's where all the kayakers go, but he doesn't think this would service our uses for the water rights, maybe Northstar but not downstream of that?

Mr. Ely stated the motivation is to augment stream flows, to improve a stretch of the river that is the utility here. If you want to look at it from the point of view, let's develop a kayak park because a lot of other communities have one and they are cool and generate money. Then you would go at it and you'd get someone and say find me a spot on the river that will generate the best wave.

This is the optimum place to take advantage of the steam flow issues that we have.

Mr. Neiley thinks it's worth pursuing further and it represents a good opportunity to collaborate with other organizations, he's not convinced on the design. He thinks the whole diversion issues are real creative and deserve support.

Chairman Brown stated what she is hearing from the Board is yes, do support further study of this concept with perhaps expanding it to a broader scale of the whole river ecosystem, also included.

Mr. Poschman said in the interest of being frugal we can say we like the idea if you break it into parts. Take care of the parts that we have a specific interest in first, add the amenities and the highway alignment and all the other sidewalks, but lets focus on what we are trying to do here and it breaks the cost in half.

Mr. Ely stated the other reason for the location was because not only was it a threatened stretch of the river but it also incorporated land that was owned by either the town or the county and if you're trying to develop a kayak part a lot of the expense is typically associated with just getting on the ground underneath the river because you're going to have to deal with private property owners. This didn't present as much of a hurdle there.

Future Meetings

The Board chose to have regular meetings on the third Thursday of the month, beginning at 4:00 p.m. The next meeting will be February 18, 2010.

Mr. Wille asked if it is under the Board prevue to look at the Castle Creek hydro power project from a stream flow prospective that's likely going to de-water a segment of Castle Creek.

Rick Neiley left the meeting at approximately 7:35 p.m.

Mr. Ely stated there is a water application filed by the city for their right and the County has joined in that case for purposes to monitor what was going on, not opposing so much. So that's the vehicle within which the dialogue would take place, is their application.

Chairman Brown stated they are in the process of a FERC (Federal Energy Regulatory Commission) application. She does not feel it would be the best use of the Board's time at this point.

Mr. Hunter will talk to Phil Overeynder, with the City of Aspen about joining next meeting to give an over of the Castle Creek Hydro Plant. Impacts and water rights.

Ms. Tasker wondered if they could get a copy of the letter Roaring Fork Conservancy wrote.

Adjourn

The board meeting adjourned at approximately 7:45 p.m.

Approved:

Attest:

Ruthie Brown, Chair
Healthy Rivers and Streams
Citizens Advisory Board

Lisa MacDonald

HEALTHY RIVERS AND STREAMS CITIZENS ADVISORY BOARD
Meeting Minutes
February 18, 2010
Pitkin County Courthouse Annex Plaza One Conference Room
530 E. Main Street Aspen, CO

Board members present: Steve Hunter, William Jochems, Rick Neiley Jr., Greg Poschman, Lisa Tasker, Andre Wille

Board members absent: Ruthie Brown

Others present: John Ely, Michael Owsley, Lisa MacDonald
Jason Carey, Rick Lofaro, Sharon Clarke
Mark Lacy

Public Comment

Michael Owsley - suggested the Board consider establishing a library fund and a water “nook” at both libraries, Pitkin County and Basalt. Where you collect reading lists of books that would help inform yourselves and also the public and set aside an area in each of the areas that’s a healthy rivers dedicated portion of the library and purchase books for the purpose to establish a kind of focus point for the public and for the Board.

Ken Ransford – asked the Board to take a position on a bill that’s working its way through the legislature right now. It would permit commercial rafting companies to raft down commercially permitted rivers and get out to scout and portage around dangerous obstacles like a tree across the river, barbed wire fence. He thought the bill was defective because it only responded to commercial companies on commercially permitted rivers and it didn’t deal with members of the public and did not deal with rivers that are not commercially permitted.

He would appreciate it if the Board would take up a resolution saying that they think the bill is not effective because it’s limited to a small class of river users that are on a small class of rivers.

John Ely stated not only is the bill limited in dealing with only commercial outfitters but it also only deals with certain rivers and stream segments in the state where there have been in the past permitted activities.

Any other stream or any other activity is not protected and therefore excluded from any protection. That by implication adoption of this bill would then throw wide open the question of well are private rafter/floaters then explicitly excluded from the bill’s protection for a reason? The first that case gets in front of the wrong district court judge, and that’s how he construes the statute and it gets affirmed by a panel you’re off on a different angle. The problem is that Curry is running the bill because of a particular problem on a particular river in Gunnison and she wanted to do something, she limited it this way to try and avoid the broader fight and he thinks that if it were amended to make

it more inclusive or as Ken said to at least try and maintain the status quo, that sort of opens the door to well, “what is the status quo” and there’s a real divergent need... Andre was under the impression that it was specific to Taylor River and a guy that’s trying to eliminate access through what he wants to be a private fishing village.

Mr. Ely doesn’t see a potential for amending the bill because it would invite the huge fight, that Curry is trying to avoid otherwise there would be no chance for this to pass.

Mr. Ransford said the statement could be effective is one that says to the effective that this group that the public’s right to float down rivers in Colorado and in particular the Roaring Fork River in Pitkin County, should not be infringed and that the board’s concern that this bill being limited to commercial rafting companies could be interpreted to restrict the right of the public to float down the rivers that have traditionally been floated by members of the public and that if there is any way to amend the language of the bill to dispel that, the board thinks that’s a good idea. That is what he’d like to see this group say.

Mr. Owsley said the Board of County Commissioners is writing a letter in complete support of the bill. He stated Open Space and Trails does not have a position.

Mr. Neiley moved to make a motion that the Healthy Rivers and Streams Board recommends to the Board of County Commissioners to take a broader stance with respect to the House Bill 1188 Concerning Clarification of the Scope of the Existing Right of Navigation of Guides Employed by River Outfitters (Commercial Outfitters Safety Act), , the legislation that recently passed the Colorado house, that deals with the commercial rafters right to float on the rivers. Recommend to the BOCC that in supporting that bill they also ask or recommend an amendment that would broaden the scope of the bill to include all floatable rivers and the general public. Mr. Wille seconded the motion. Motion passed 6 to 0.

Board Comments

None

River Restoration Inc. – Jason Carey

Mr. Carey gave the Board a presentation on Whitewater Park outside of Basalt.

Mr. Carey has developed a couple of alternatives for a whitewater park at the northern boundary of Pitkin County as it enters into the Town of Basalt.

He gave his presentation on their approach to the project,

Their first concept plan ended up having a lot of shore based amenities, park like things, cantilever decks. A high concentrated use area.

They developed two alternatives based on comments from the Roaring Fork Conservancy. Alternative 1 and 2 both have the same river features, same in-channel actions being performed. The difference is up on the shore. Alternative 2 had more substantial decking and view platforms. Alternative 1 cost would be \$738,000 and Alternative 2 with the decks added on would be \$984,000.

Mr. Ely stated that logical consequence would be either discussion if there is support for moving forward or not or is there other types of information the Board wants to see or

schematics produced or would they like to coordinate further discussions with the Town of Basalt.

Mr. Poshman asked is they could request a recommendation from Basalt or other interested parties?

Mr. Ely stated that taking direction from the Board the next step would be communication from Basalt.

Roaring Fork Conservancy –

Rick Lofaro, Executive Director and Sharon Clarke, Land and Water Resource Specialist with the Conservancy presented information on the Roaring Fork Conservancy

They wanted to meet with this Board in a formal fashion to introduce themselves, provide the Board with some reading materials and provide the Board with the State of the Roaring Fork Watershed Report.

They also wanted to give the Board an idea of the things they have going on. They want to be here as a resource and let the Board know of the large group of interests known as the Watershed Collaborative and that lots of work has gone into looking at what is wrong with the watershed and some challenges that they have in areas and have lined out some priorities.

Ms. Clarke stated that during their watershed plan public meetings, their facilitator Bob Schultz, commented that there needs to be a cultural shift in our relationship to the river and not just regulatory changes that were going to protect our water resources. So in its 2010 planning they have started changing up some of their education programs and going more to the people that wouldn't naturally be coming to some of the watershed exploration series. They have gone to rotary meetings, targeting realtors, developers and bringing out some of these messages.

They are doing a couple of events this year that will highlight the shift they are manifesting.

1. They are showing the movie Tapped at the Wheeler Opera House on March 31st and the Church at Carbondale on April 6th.
2. Formal invite to this Board to the Floating Water Summit June 10, 2010 this is invitation only. Directed to elected officials so there is more of a dialogue between elected officials and staff. Have confirmation from Kathleen Curry and Gail Schwartz and sure Bill Ritter will be there.

Big message they are trying to promote is the whole regional water management issue. They want all the cities and counties to adopt a resolution and have it be for demonstration purposes. They want the resolution to say is that they agree to all work together as a unified watershed to plan for the future of our water resources. It's a formal adoption of watershed plan implementation but its not so heavily weighted and hope to at the float have Bill Ritter be a keynote speaker and then run down list of entities who created resolution and read resolution have a drafted resolution that will go to the Ruedi

Water and Power Authority and once it gets to a more final form it will go out to all different entities. Once the Board sees it, they can recommend to the BOCC that we are in favor of it.

3. Roaring Fork Cultural Council at the Thunder River Theatre in Carbondale. Madeline Albright, October 16 2010. Talk will be about water supply and demand issues/conservation/reallocation/ new storage projects

4. They are now in Phase 2 of the State of the Watershed, the report is Phase 1. Phase 2 was a lot of public meetings. They have categorized all the feedback into matrices that look at what recommended action are, whether it will require education and outreach, a policy regulatory change, restoration effort, collaboration, coordination, or more research required. Now it's the implementation phase and they are working on this with the technical advisory group.

5. They are working with the University of Michigan, School of Natural Resources, they have 5 master students working with them this year on an implementation strategy for the watershed plan and also on education and outreach strategy.

6. There are a couple open space parcels right in Redstone where coal creek comes into Redstone and the river has been highly altered. When the Highway 133 bridge went through they straightened out the channel so that there is more erosion because there is a higher velocity flow and it comes right into Redstone. They are working with local people and the Open Space and Trails Board to come up with a plan for the Redstone area with the open space parcels. How can they improve river going through Redstone and also help improve the conditions downstream.

Budget Discussion

The Board was presented with line item descriptions and estimated expenditures for its 2010 Budget.

Mr. Neiley made a motion to approve the 2010 budget as presented. Mr. Jochems seconded. Motion passed 6 to 0.

Mr. Ely made a statement and reminded the Board that confidential materials are confidential because they are afforded a degree of protection by the state statute. Which means that we can shield a public document from public inspection. It can only be done in limited circumstances. The law does recognize that in dealing with certain types of business that there is a certain pragmatism to allowing governmental entities to maintain confidentiality both in communication or materials. So the confidential packet materials are things that can be maintained in confidence at least currently. He asked the Board to treat the items as confidential not toss them in the basket where someone could grab it, or leave it laying around a table.

Executive Session

The Board did not go into executive session.

Adjourn

The Board meeting adjourned at approximately 7:25 p.m.

Approved:

Attest:

Steve Hunter , Vice-Chair
Healthy Rivers and Streams
Citizens Advisory Board

Lisa MacDonald

Draft

**BYLAWS OF THE HEALTHY RIVERS
AND STREAMS FUND
CITIZENS ADVISORY BOARD**

*Originally adopted on May 13, 2009 via BOCC Resolution # 34-2009
Amended March 10, 2010 via BOCC _____-2010*

**ARTICLE I
Name**

Section 1. **Name.** The name of this board shall be the Healthy Rivers and Streams Fund Citizens Advisory Board (the “Board”).

**ARTICLE II
Purpose and Policy**

Section 1. **Purpose.** The purpose of the Board is to assist the Board of County Commissioners (the “BOCC”) in implementing the Healthy Rivers and Streams Fund Program, as authorized by Pitkin County voters, and to advise the BOCC on the expenditures and administration of the Healthy Rivers and Streams Fund.

Section 2. **Policy.** The policy of the Board is to further the goals of the Healthy Rivers and Streams Fund as set out in ballot Referendum 1A, 2008 coordinated election:

- (1) Maintaining and improving water quality and quantity within the Roaring Fork watershed;
- (2) Purchasing, adjudicating changes of, leasing, using, banking, selling, and protecting water rights for the benefit of the Roaring Fork watershed;
- (3) Working to secure, create and augment minimum stream flows in conjunction with non-profits, grant agencies, and appropriate State and Federal agencies to ensure ecological health, recreational opportunities, and wildlife and riparian habitat; promoting water conservation; and
- (4) Improving and constructing capital facilities that contribute to the objectives listed above.

Section 3. **Additional Policies.** The BOCC may from time to time adopt priorities for the implementation of the voter authorized program goals.

ARTICLE III Responsibilities

Section 1. Functions. The functions of the Board are:

- (1) Make recommendations to the BOCC regarding expenditures and management of the Healthy Rivers and Streams Fund.
- (2) To review proposals and opportunities presented to the Board and advise the BOCC on the merits of such proposals or opportunities.
- (3) Make recommendations to the BOCC for the acquisition of interests in water rights that would further the objectives of the Healthy Rivers and Streams Fund.
- (4) Establish relationships with local, regional and state agencies and boards to more effectively make recommendations to the BOCC.
- (5) Make recommendations to the Planning and Zoning Commission, Open Space and Trails Board or other County boards and staff regarding activities within the County as they may impact the goals of the Healthy Rivers and Streams Fund.

ARTICLE IV Membership

Section 1. Appointments. Appointments to the Board shall be made by the Board of County Commissioners. There shall be a minimum of five members and a maximum of seven members on the Board.

Section 2. Term. Each Board member shall be appointed for a four-year term. The terms shall be staggered so that continuity is preserved within the Board. The initial Board members shall have terms that expire two years from appointment for the first two members, three years from appointment for the next three members and four years from appointment for the final two members. The first five appointed board members shall be residents of Pitkin County.

Section 3. Qualifications. Five members of the Board shall be residents of Pitkin County. Of these five members, one member shall be appointed from each of the five Pitkin County commissioner districts, if possible. The two remaining members must be residents of the Roaring Fork Valley watershed. A Board member shall hold no office or appointment in any County or municipality nor be employed by any County or municipality during the term of the appointment. (amended 3/10/2010 via BOCC resolution # 2010)

Section 4. Compensation. Board members shall serve without pay.

Section 5. Removal. A Board member may be removed from the Board for good cause only, by a vote of the BOCC after a recommendation concerning removal is made by the Board. The Chair shall request the BOCC remove a trustee who is absent for more than six regularly scheduled meetings within one calendar year. Good cause for removal shall also include a violation of the conflict of interest policy contained within these Bylaws.

Section 6. Membership. Should an appointed Board Member's residency change during their term but the Board Member remain a resident of the Roaring Fork Valley watershed, such member may continue to serve their term as originally appointed and may be reappointed for subsequent terms at the discretion of the Board of County Commissioners. *(added 3/10/2010 via BOCC resolution # 2010)*

ARTICLE V Officers

Section 1. Officers. The officers of the Board shall be a Chair and a Vice Chair. The Chair and Vice Chair shall be selected by the members of the Board but shall be limited to those Board members who are Pitkin County residents.

Section 2. Elections and Term of Office. The Chair and Vice Chair shall be appointed by the Board at the first regular meeting of a calendar year. Subject to early termination, each officer shall hold office for up to two years and until a successor has been appointed. The Chair and the Vice Chair shall serve at the pleasure of the Board.

Section 3. Vacancies. Should the office of Chair or Vice Chair become vacant, the Board shall appoint a successor at its next regular or special meeting. Such appointment shall be for the unexpired portion of the previous term.

Section 4. Duties.

- (1) Chair. The Chair shall preside at all meetings of the Board and shall perform all duties usually incident to the office of Chair and such other duties as may be assigned from time to time by the Board. The Chair shall execute and acknowledge, in the name of the Board, all recommendations and communications authorized by the Board. The Chair shall see to the execution of resolutions and adoption of minutes of the meetings of the Board.
- (2) Vice Chair. In the absence of the Chair, the Vice Chair shall have all powers recognized to the Chair. The Vice Chair shall perform such other duties as shall from time to time be assigned by the Board.

ARTICLE VI

Meetings

Section 1. Regular Meetings. Regular meetings shall be held at least once per month. The specific day for the conduct of Board meetings shall be determined by the Board in advance of the upcoming calendar year. A schedule of regular meetings shall be made available to the public through customary County procedure.

Section 2. Special Meetings. A special meeting may be called at any time by the Chair or upon written request of two members of the Board. All special meetings must comply with notice requirements of the Colorado Open Meetings Law.

Section 3. Order of Business. At regular meetings of the Board the following shall be the recommended order of business:

- (1) Roll call.
- (2) Reading and approval of minutes of last meeting.
- (3) Public comment
- (4) Report of the director
- (5) Old business
- (6) New business
- (7) Executive session discussion
- (8) Adjournment

Section 4. Voting. Voting shall either be by voice or roll call vote. Any action requiring a vote shall be decided by a simple majority, except a recommendation forwarded to the BOCC shall be made by a majority of the entire membership of the Board.

Section 5. Quorum. A quorum of the Board shall be constituted by the personal attendance of three of the five Pitkin County-resident members of the Board. Once a quorum is made it cannot be broken until the meeting is adjourned.

Section 6. Parliamentary Procedure. The rules contained in Robert's Rules of Order shall govern the Board in all cases to which they are applicable and in which they are not inconsistent with these Bylaws or other County laws, rules or regulations.

Section 7. Meeting Notices and Study Materials. The director shall furnish the Board members minutes of the previous meetings and copies of material to be studied or acted upon including an agenda and a monthly report prior to the conduct of each regular meeting.

Section 8. **Agenda.** The agenda shall be prepared by the Chair and director with copies to be distributed in advance of each regular or special meeting.

Section 9. **Public Access.** All meetings shall be open to the public, except for executive sessions as authorized in the Colorado Open Meetings Act, C.R.S. § 24-6-402, et seq.

ARTICLE VII Conflict of Interest

Section 1. **Policy.**

- A. In order to ensure the impartiality and integrity of their local government decision makers, as provided in section 8.6.1 of the County Charter, the people of Pitkin County intend to prohibit County policy-makers from participating in matters in which they have a conflict of interest. This prohibition applies to County policy-makers serving their elected or appointed terms and those who have concluded their terms of office.
- B. A conflict of interest is a disparity between the private interest and the official responsibilities of an individual in a position of trust in government. This code is intended to prevent conflicts of interest without obstructing fair and speedy resolution of issues that come before the County.

Section 2. **Prohibition on Conduct.**

- A. No Board member shall vote or otherwise participate in a decision making process which affects any entity or property interest in which he/she has a financial interest or which any member of his/her family has a financial interest. Family is defined as spouse, parent, brother, sister, grandparent, child, grandchild, step-child, step-parent, step-grandparent, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, or any individual who is a part of the County policy maker's immediate household. A Board member otherwise barred from participating in a discussion pursuant to this section, may, if requested by the BOCC, give information about the issue or transaction in which he/she has a financial interest.
- B. If an issue arises in which a Board Member believes he/she may have a conflict of interest, he/she must divulge that potential conflict of interest to the County Attorney for an opinion on the validity of the conflict, and inform the Board. If determined to be in conflict regarding the issue before him/her, he/she will refrain from participation in discussion or vote on that issue.

- C. Failure to comply with the terms of this section may be deemed adequate cause for removal under Article IV Section 5.

ARTICLE VIII
Amendment

Section 1. **Amendment.** These By Laws shall be the province of the BOCC and shall be adopted and amended only by the action of the BOCC.

Resolution of _____
In Support of the Roaring Fork Watershed Plan
Date _____

Whereas, water is a critical natural resource to the environmental, social and economic well-being of the Roaring Fork Watershed, and

Whereas, a collaboration of local governments, government agencies, non-profits, associations, and citizens have come together to form the Roaring Fork Watershed Collaborative Water Group, and

Whereas, this collaboration has undertaken the writing of the Roaring Fork Watershed Plan, and

Whereas, the Ruedi Water and Power Authority (RWAPA) is the sponsor of the Roaring Fork Watershed Plan, and

Whereas, the Municipal and County governments in the Roaring Fork Valley are members and supporters of the Ruedi Water and Power Authority, and

Whereas, RWAPA and the Roaring Fork Conservancy have been working diligently on the Roaring Fork Watershed Plan since 2008 and have completed Phase I of the Plan, the State of the Watershed Report, and

Whereas, RWAPA and the Roaring Fork Conservancy are currently in the midst of Phase II of the Plan which will produce recommendations for future water management in the Roaring Fork Valley, and

Whereas, the Plan has engaged and involved hundreds of citizens of the Roaring Fork Valley through many meetings, presentations and other activities publicizing the Plan and soliciting contributions to and discussions of the Plan and,

Whereas, those efforts have resulted in broad support for the planning process and significant and extensive public input into the Plan, and

Whereas, the local governments and agencies with responsibility for water management, treatment, delivery, development and conservation wish to formally endorse the concepts of resource sustainability, environmental quality, public safety, recreational value and aesthetic appeal that are the objectives of the Plan,

Therefore, Let It Be Resolved

That the (County Commissioners, City Council, Board, etc.) of (Jurisdiction Name Here) hereby express their support for the watershed planning process and their intent to thoughtfully consider the recommendations of the Plan and to adopt those recommendations which they may find appropriate, feasible and beneficial to their respective communities and the watershed as a whole.

Adopted this ___ day of _____, 2010