

RECORD OF PROCEEDING

**SOUTHEASTERN COLORADO
WATER ACTIVITY ENTERPRISE
MINUTES
September 19, 2024**

President Long convened the meeting of the Board of Directors of the Southeastern Colorado Water Activity Enterprise (Enterprise) to order at 10:19 a.m., Thursday, September 19, 2024, to be held in conjunction with the District Board meeting to present the Budget action items.

President Long convened the meeting of the Enterprise Board meeting to order at 9:36 a.m. to be held in conjunction with the District Board meeting to present the Budget action Items.

ACTION ITEMS:

APPOINTMENT OF BUDGET OFFICER

Mrs. Noga presented an annual action item to the Board for the appointment of a Budget Officer to follow Colorado State Budget Law.

The first action the governing board must take under the Budget Law is to designate or appoint a Budget Officer to prepare and submit a proposed budget (Section 29-1-104, C.R.S.).

Mr. Clayton moved, seconded by Mr. Hamel, to appoint Leann Noga, Executive Director, as the Budget Officer for the 2025 District budget period. Motion carried unanimously.

SET PUBLIC HEARING FOR 2025 PROPOSED BUDGET

Mrs. Noga presented an annual action item that the Board of Directors conduct a Public Hearing prior to adopting the annual Budget, to follow Colorado State Law C.R.S. 29-1-108(1).

A published notice of the Public Hearing is required for District Policy and compliance with Colorado State Law C.R.S. 29-1-106(1).

A copy of the letter to newspapers for publication, along with a copy of the notice as to 2025 Proposed Budget was provided to the Board.

Mr. DiSanti moved, seconded by Mr. Clayton, that the Board of Directors set Thursday, November 21, 2024, at 9:45 a.m. for the Southeastern Colorado Water Conservancy District to hold the Public Hearing of the 2025 Proposed Budget. Motion carried unanimously.

Mr. Long recessed the Enterprise Board meeting at 9:37 a.m. that was held in conjunction with the District Board meeting, and reconvened the Enterprise Meeting at 10:19 a.m.

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Attendance:

Board Members Present:

Alan Hamel	Dallas May	Matt Heimerich
Andy Colosimo	Greg Felt(remote)	Pat Edelmann(remote)
Ann Nichols	Howard "Bub" Miller	Seth Clayton
Bill Long	Justin DiSanti	Tom Goodwin
Curtis Mitchell	Kevin Karney	

DIRECTOR(S) ABSENT AND EXCUSED:

Mark Pifher

DISTRICT OFFICIALS:

Executive Director Leann Noga; General Counsel Lee Miller; Staff Attorney Peter Levish; Senior Policy and Issues Manager Chris Woodka; Principal Engineer Kevin Meador; Principal Engineer/Operations Coordinator Gordon Dillon; Water Resources Principal Engineer Garrett Markus; Finance Manager Stephanie Shipley; Administrative Support Specialist's Margie Medina and Patty Rivas; H2O Consultant, Roy Vaughan; Kogovsek & Associates, Christine Arbogast; attending remotely - AECOM Curtis Thompson; Kennedy Jenks, Jerry Pena: and McDonald Water Policy, Bill McDonald.

VISITORS PRESENT:

Aurora Water, Abba Ahmed and Rick Kienitz; USGS, Krystal Brown; and USBR, Mike Holmberg.

VISITORS CONNECTED VIA ZOOM:

Wilson Water Group, Angie Alvarado; Congress Woman Lauren Boebert's Office, Cathy Garcia; Colorado Springs Utilities, Lisa Windham; AGRA, Dan Tucker: and Kansas Department of Agriculture, Rachel Duran.

APPROVAL OF MINUTES:

President Long said the minutes of the August 15, 2024, Enterprise Board meetings were posted to OnBoard and the website for review and asked if there were any corrections or additions. Hearing none, Mr. Howard "Bub" Miller moved, seconded by Mr. Karney, to approve the minutes. Motion unanimously carried.

TREASURER REPORT:

Ms. Nichols reported the financial statements for August 2024, were posted to OnBoard and the Website for review. Ms. Nichols moved, seconded by Mr. Clayton, for acceptance of the July 2024 financial statements and payment of the September 2024 bills. Motion unanimously carried.

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PRESENTATION ITEMS:

FEDERAL LEGISLATION UPDATE

Ms. Christine Arbogast updated the Board:

Congress is working on a continuing resolution to keep government open after the end of the fiscal year. The House bill which would be a six month extension failed; the Senate is now working on its own version, which would go to almost the end of the year.

There is talk that the farm bill might be included in a continuing resolution, but given there is no agreement on a farm bill, that is highly unlikely.

Leann Noga, Lee Miller, Bill McDonald and Christine Arbogast, have been working with the delegation on a bill to address the length of time and the interest rate on repayment of the 35 percent cost share with miscellaneous revenues. Bill had a hearing last week and is teed up to be included in a package to be voted on by the Energy and Natural Resources Committee next week. Senate bill sponsored by Senators Bennet and Hickenlooper, and House bill by Congresswoman Boebert and Congressman Greg Lopez.

There will be a package of water bills considered for passage by year's end. We are working hard to be in that package.

There is also discussion about a year-end lands package, important to us because it could include important forest and watershed health bills if leadership can get past their jurisdictional differences.

Questions were asked of Ms. Arbogast.

ARKANSAS VALLEY CONDUIT UPDATE

Mr. Woodka presented a PowerPoint to update the Board on the AVC Project:

- AVC Sub-Project
- AVC Funding Plan
- Federal Legislation
- Reclamation Sub-Project
- Communication & Outreach
- AVC Committee Report
- AVC Project Tracking

Questions were asked of Mr. Woodka

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INFORMATION ITEMS:

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

- Arkansas valley Conduit Newsletter
- JWBHP Update
- Excess Capacity Master Contract Update
- Colors of Water Tool
- Other Business Matters

EXECUTIVE SESSION:

Mr. Lee Miller announced a request has been made for the Southeastern Colorado Water Activities Enterprise to enter Executive Session for the purpose of:

Discussion with legal counsel on the following matter:

AVC repayment contract

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:

- Non-Excused Committee and Board Members (state for the record any who are excused)
- Executive Director
- General Counsel
- Staff Attorney
- Senior Policy and Issues Manager
- Principal Engineers
- Consultant – Bill McDonald
- Lobbyist – Christine Arbogast

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

Mr. Clayton moved, second by Mr. Goodwin that the Southeastern Colorado Water Activity Enterprise to enter into Executive Session at 10:40 a.m. The vote was unanimous.

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At 11:51 coming out of Executive session, Mr. Lee Miller advised that there was discussion with legal counsel instructing, and that no action was needed for Executive Session Items:

- AVC Contract Negotiations

President Long asked if there were any other matters to come before the Enterprise Board, hearing no other matters, Mr. Long adjourned the Enterprise meeting at 11:53 a.m.

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Respectfully submitted,

Patty Rivas
Administrative Support Specialist

Seth Clayton – Secretary

Bill Long – President

Howard “Bub” Miller

Curtis Mitchell – Vice President

Justin Disanti

Ann Nichols – Treasurer

Kevin Karney

Alan Hamel

Mark Pifher

Andy Colosimo

Matt Heimerich

Dallas May

Pat Edelmann

Greg Felt

Tom Goodwin