



# LOVELAND UTILITIES COMMISSION

## REGULAR MEETING

**April 20, 2016 - 4:00 p.m.**

**Service Center Board Room**

**200 North Wilson Avenue**



### AGENDA

**4:00 pm - CALL TO ORDER**

**4:05 pm - APPROVAL OF MINUTES - 3/16/2016**

**NEW EMPLOYEE INTRODUCTION – Carlos Medina, Carrie Burgess, Daniel Williams, and Jean Mullett-Hosey**

**CITIZENS REPORTS**

Anyone in the audience may address the LUC on any topic relevant to the commission. If the topic is an item on the Consent Agenda, please ask for that item to be removed from the Consent Agenda. Items pulled will be heard at the beginning of the Regular Agenda. Members of the public will be given an opportunity to speak to any item on the Regular Agenda during the Regular Agenda portion of the meeting before the LUC acts upon it. If the topic is an item on the Staff Report, members of the public should address the Commission during this portion of the meeting as no public comment is accepted during the Staff Report portion of the meeting.

Anyone making comment during any portion of tonight's meeting should identify himself or herself and be recognized by the LUC chairman. Please do not interrupt other speakers. Side conversations should be moved outside the Conference Room. Please limit comments to no more than three minutes.

**4:15 pm - REGULAR AGENDA**

1. 2016 1<sup>st</sup> Quarter Goal Updates Report – Steve Adams
2. Appointment of Loveland Utilities Commission (LUC) board members as liaisons for the 2016 Power Cost-of-Service Study – Jim Lees & Steve Adams

**4:45 pm - STAFF REPORT**

3. Financial Report Update – Jim Lees

**5:00 pm - 4. COMMISSION / COUNCIL REPORTS**

- Colorado Budget Process Webinar – April 6, 2016
- Northern Water's Spring Water Users Meeting – April 13, 2016
- Managing the Colorado River in the 21st Century: Shared Risks and Collaborative Solutions Webinar – April 14, 2016

**5:15 pm - 5. DIRECTOR'S REPORT – Separate Document**

**INFORMATION ITEMS**

6. Electric Legislative Update – Kim O'Field
7. Water Legislative Update – Michelle Stalker
8. Water Supply Update – Larry Howard

**5:45 pm - ADJOURN**

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The password to the public access wireless network (colguest) is accesswifi.



**Commission Members Present:** Dave Kavanagh, David Schneider (Vice Chair), Gary Hausman, Gene Packer (Chairman), Larry Roos, John Rust Jr., Randy Williams

**Commission Members Absent:** Dan Herlihey (excused), Jennifer Gramling (excused)

**City Staff Members:** Alicia Calderón, Allison Bohling, Alan Krcmarik, Bob Miller, Brieana Reed-Harmel, Chad Birgenheier (left after introductions), Carl Gotti (left after introductions), Christine Schraeder, Darcy Hodge, Garth Silvernale, Greg Dewey, Gretchen Stanford, Jim Lees, Kim O'Field, Larry Howard, Michelle Stalker, Roger Berg, Steve Adams, Tom Greene,

**Guest Attendance:** Sam Eliason, Shawn Fetzer

**CALL TO ORDER:** Gene Packer called the meeting to order at 4:03 pm.

**APPROVAL OF MINUTES:** Packer asked for a motion to approve the minutes of the February 17, 2016 meeting.

**Motion:** Gary Hausman made the motion to approve the minutes of the February 17, 2016 meeting.

**Second:** Dave Schneider seconded the motion. The minutes were approved unanimously.

**Comments:** John Rust abstained from the approval of minutes, because he was not present at the February 17, 2016 meeting.

**NEW EMPLOYEE INTRODUCTION** – Carl Gotti

#### **CONSENT AGENDA**

**Item 1: Change Order for Ditesco's, Services During Construction (SDC) for the WTP Phase II Expansion Project – Tom Greene** This is a contract amendment to adjust contract cost for the construction phase services to Ditesco's existing contract for the Water Treatment Plant Phase II Expansion Project, W1300D.

**Recommendation:** Adopt a motion to approve the Contract Amendment for Construction Phase services with Ditesco to increase the not-to-exceed amount of \$1,112,491 and authorize the City Manager to sign the contract amendment on behalf of the City.

**Motion:** Gary Hausman made the motion.

**Second:** Dave Schneider seconded the motion. The motion was approved unanimously

**Comments:** Gene Packer pulled the item from the consent agenda. He asked if staff could provide more information to the board regarding the scope of work and background information about Ditesco's performance and qualifications. Tom Greene provided background on previous projects completed by Ditesco, reviewed their qualifications and provided a brief overview of the scope of work.

#### **REGULAR AGENDA**

**Item 2: Appointment of Loveland Utilities Commission (LUC) board members as liaisons for the 2017 Budget Process – Jim Lees & Steve Adams** Selection of two Loveland Utilities Commissioner (LUC) Liaisons for the 2017 Water & Power Budget Process.

**Recommendation:** Choose at least two liaisons from the LUC to participate in the 2017 budget review process for the Water & Power Department.

**Comments:** Steve Adams added that Loveland Water and Power (LWP) will be asking for volunteers for the Power Cost of Service Study at the April 20, 2016 meeting. Gene Packer and Dave Schneider volunteered to be liaisons for the 2017 Budget Process. Adams mentioned he will provide them with more information on meeting details in the coming months.

**Item 3: Acceptance of 10 shares of Buckingham Irrigation Company and 21.25 shares of South Side Ditch shares into City's Water Bank – Kim Frick** Request to deposit 10 shares of Buckingham Irrigation Company and 21.25 shares of South Side Ditch shares into the City's Water Bank.

**Recommendation:** Adopt a motion finding that the requirements set forth in City Code Section 19.04.080 have been met, and that acceptance of the 10 shares of Buckingham Irrigation Company and 21.25 shares of South Side Ditch shares into the City of Loveland Water Bank is in the city's best interest and should be completed.

**Motion:** Gary Hausman made the motion.

**Second:** Dave Schneider seconded the motion. The motion was approved unanimously.

**Comments:** John Rust asked for more information about the requirements regarding how much water has to stay in the ditch. Kim Frick mentioned that fifteen percent of the water has to stay in the ditch. Larry Howard added that these requirements are being met. Staff and board reviewed these requirements and current ditch shares with Buckingham and South Side.

Rust asked about what happens to all the water rights that belong with empty ditches. Howard and Frick discussed the concept of a "dead ditch" and said that LWP doesn't see themselves coming up on that issue anytime soon. Rust inquired who has to maintain these ditches. Frick mentioned that generally all share holders pay for maintenance.

**Item 4: FEMA Alternate Project - Rio Blanco Road Construction Bid Award – Brieana Reed-Harmel, Gretchen Stanford and Shawn Fetzer** Through the Municipal Code, City Council has previously authorized LUC the option of approving contracts exceeding \$500,000. This authorization reduces the number of items that go to Council for consideration and increases the City's efficiency. Under these circumstances and under the proper motion, the City Manager then signs the construction contract after LUC approval. This contract approval is being brought forward for LUC action.

**Recommendation:** Adopt a motion recommending that Loveland Utilities Commission award the contract to Coulson Excavating Company, Inc. in an amount not-to-exceed \$2,838,918.68, which may be lower after value engineering has had an opportunity to occur, for the Base Bid which includes full site grading, landscaping, irrigation and construction of Rio Blanco Avenue, as well as Bid Alternate B for the construction of a permanent road connection of 29<sup>th</sup> Street from the east to Rio Blanco Avenue and authorize the City Manager to sign the contract on behalf of the City.

**Motion:** Gary Hausman made the motion.

**Second:** John Rust seconded the motion. The motion was approved unanimously.

**Comments:** Packer asked about the dimensions of the road. Brieana Reed-Harmel and Shawn Fetzer discussed the size of the road and details regarding the road development requirements. Roos asked if landscaping development will be included. Reed-Harmel mentioned that indeed it is. Roos asked what the timeline is of this project and how that would affect the timeline of the development of the solar and substation. Fetzer mentioned the goal is to get the site grading completed by June 1, 2016. Then, LWP will proceed with the solar and substation construction and installation.

Staff and board discussed the projects details, including: landscaping, funding, storm water development, and raw water irrigation. Roos asked about previous work completed by Coulson Excavating Company, Inc. Fetzer reviewed Coulson Excavating Company's qualifications and previous work they have performed. Hausman asked how much earth moving will be involved in the site grading. Shawn mentioned it will be over 80,000 cubic yards of earth moved for this project. Sam Eliason reviewed the landscape of the existing site.

**Item 5: FEMA Alternate Project - Foothills Solar Expansion Bid Award – Brieana Reed-Harmel and Gretchen Stanford** Through the Municipal Code, City Council has previously authorized LUC the option of approving contracts exceeding \$500,000. This authorization reduces the number of items that go to Council for consideration and increases the City's efficiency. Under these circumstances, and under the proper motion the City Manager then signs the construction contract after LUC approval. This contract approval is being brought forward for LUC action.

**Recommendation:** Adopt a motion recommending that Loveland Utilities Commission award a second contract for the design and construction of the additional solar at the Foothills complex to Namaste Solar in an amount not-to-exceed \$821,668 and authorize the City Manager to sign the contract on behalf of the City.

**Motion:** Gary Hausman made the motion.

**Second:** John Rust seconded the motion. The motion was approved unanimously.

**Comments:** Packer asked for clarification on how this will be funded. Reed-Harmel reviewed the details surrounding the funding for the project. She continued to review the costs and discussed the advantages of building out the whole site now. Roos asked why LWP did not explore doing this in the first place. Reed-Harmel mentioned that previously LWP was not sure of the amount of space they would be working with. Roos asked what dual-sided cells are in regards to solar panels. Reed-Harmel reviewed that it has to do with how the panels are designed and effects how the electricity flows. Roos asked if Platte River Power Authority (PRPA) is using similar panels. Reed-Harmel mentioned that they are not the same; she discussed the differences of their two projects and why each type of panel was chosen for each project.

Kavanagh asked for clarification about the contract dollar amounts that the Loveland Utilities Commission (LUC) can approve. Adams reviewed the details and authority of the municipal code. He clarified that LUC can approve this contract. Schneider asked if there were any appeals of the project. Reed-Harmel and Stanford reviewed the next steps for the project and added that there were no appeals. Roos asked how many people will be on-site during construction. Reed-Harmel reviewed the timeline of the project to help explain how many contracting companies and staff many be on-site during construction. Rust expressed his support for completing the whole project now and the long-term benefits it will have. Schneider agreed and added that the 3x renewable energy credit will be another great benefit.

Adams mentioned that the Sertoma Club recently expressed concern about the snake population living on the property. LWP is partnering with Dr. Stephen Mackessy, a professor of Biology from the University of Northern Colorado, and with Tracey Turner-Nuranjo from our Risk Department. Dr. Mackessy will have a program with his graduate students to capture and relocate the protected rattle snakes and to use the other non-protected snakes for other purposes off-site. We will be working with Colorado Parks and Wildlife and the Environmental Protection Agency (EPA) on this effort, and we will work to make sure the snakes do not migrate back on the property. Stanford added that the website is the best place to point the public to for more information, and she added that there will be time-lapse videos available online after the project begins.

## STAFF REPORTS

**Item 6: Asset Management: Levels of Service for Water, Wastewater and Power – Michelle Stalker and Brieana Reed-Harmel** This item is to review the definition of Levels of Service (LOS), present the results of our 2015 LOS for the Water and Wastewater Utilities in comparison to prior years. This is a yearly update from the first presentation on LOS given at the February 18, 2015 LUC meeting.

Staff Report only. No action required.

**Comments:** Kavanagh asked what consists of a “leak”. Michelle Stalker added that it can be anything from a drip to a strong flow. Tom Greene reviewed the factors that go into determining which pipes get replaced and when. Schneider asked for the location of the 2015 sewer main back-ups. Stalker said she would get back with him on the exact location of these.

Kavanagh asked if LWP tracks dig-ups for underground electric lines. Reed-Harmel mentioned that that is a factor that is considered in this analysis. He continued and asked who does locates for LWP. Adams mentioned that they are done in-house by staff using locating equipment. Reed-Harmel reviewed how they measure heat and hot spots. If equipment is breaking down it will heat-up. Infrared cameras help keep our staff safe and help us identify and fix problems with the system.

## COMMISSION/COUNCIL REPORTS

**Item 7: Commission/Council Reports**

- Boards & Commissions Summit – March 3, 2016
  - o Gene Packer will provide a briefing of the presentation that was given at this event.
  - o To view the program that was distributed at the event, containing the meeting agenda, and the complied one page descriptions of all City of Loveland Boards and Commissions goals and accomplishments please go to the following link: <http://bit.ly/24QD9IE>
- LUC Water and Power Familiarity Tour – March 16, 2016

**Dave Kavanagh:** nothing

**Dave Schneider:** He provided an overview of some of the highlights at the Boards and Commission Summit including meeting other board liaisons and getting recognition from Bill Cahill about how long he has served on the LUC.

**Gene Packer:** He mentioned that it is great to have John Rust back in the board meetings after a few months of absence due to medical concerns. He also gave a briefing similar to what was given at the Boards & Commission Summit meeting.

**Gary Hausman:** He stated that he is always impressed with the quality of LWP employees and was impressed with the facility tour. He mentioned that he noticed that the Big Thompson River looked dirty and asked for more information on what may be causing this. Tom Greene mentioned that it is coming down from Drake due to construction, and Tom mentioned that recently LWP has not been taking water from the river due to other circumstances. Board and staff continued to discuss the construction going on near Drake and Glen Haven.

**John Rust Jr:** He said he is glad to be back and thanked everyone for the kind words and cards. He said it is taking a bit of time to heal up, he discussed the details of his surgery and mentioned he is on the road to recovery. Staff and board discussed the cause of his injury.

**Larry Roos:** He reviewed his experience so far in the Water Fluency Course. He mentioned that they offered a tour of one of the largest onion factories, and he said it was unbelievable. He summarized his experience of the tour at the onion factory and the history of the water use for the company.

**Randy Williams:** nothing

**Council Report:** On Councilor Troy Krenning's behalf, Steve Adams provided an update on City Council items related to the Water and Power Department which have been seen by the City Council during their normal meetings scheduled since the last LUC meeting.

**Regular Meeting – February 29, 2016**

A Motion To Appoint John Fogle As Council Liaison To “The Broadband Task Force” For A Term Effective Until June 1, 2017.

**Study Session Meeting – March 8, 2016**

This meeting was cancelled.

**DIRECTOR’S REPORT**

**Item 8: Director’s Report – Steve Adams**

**Comments:** Schneider reviewed the speakers for the Spring Water Meeting and asked what the next steps would be. He thought they will be interesting speakers, and he recommended the event to others. Board and staff continued to discuss the next steps for implementing the Colorado Water Plan.

**INFORMATION ITEMS**

**Item 9: Electric Legislative Update – Kim O’Field** This item and the attachment are intended to give a brief update on electric-related legislation at both the state and federal level. Loveland Water and Power works closely with Platte River Power Authority (PRPA) and its sister cities but relies primarily on the Colorado Association of Municipal Utilities (CAMU) for information on electric-related legislation.

Staff Report only. No action required.

**Item 10: Water Legislative Update – Michelle Stalker** This item and the attachment are intended to give a brief update on water-related legislation being contemplated by the Colorado General Assembly. Loveland Water and Power relies primarily on the Colorado Water Congress (CWC) for information on water-related legislation.

Staff Report only. No action required.

**Item 11: Water Supply Update – Larry Howard** Projection for raw water supply in 2016.

- Staff Report only. No action required. An updated Snow–Water Equivalent Chart for Bear Lake SNOTEL Station was distributed at the meeting.

**Item 12: Financial Report Update – Jim Lees** This item summarizes the monthly and year-to-date preliminary financials for February 2016.

Staff Report only. No action required.

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**ADJOURN** The meeting was adjourned at 5:55 pm. The next LUC Meeting will be April 20, 2016 at 4:00 pm.

Respectfully submitted,

Allison Bohling  
Recording Secretary  
Loveland Utilities Commission





## CITY OF LOVELAND

WATER & POWER DEPARTMENT

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**AGENDA ITEM:** 1

**MEETING DATE:** 4/20/2016

**SUBMITTED BY:** Steve Adams, Director

*SB for SA*

**TITLE:** 2016 1<sup>st</sup> Quarter Goal Updates Report

**DESCRIPTION:**

This is a quarterly review of our progress on our 2016 utility goals.

**SUMMARY:**

Review 2016 utility goals and the 1<sup>st</sup> Quarter updates.

**RECOMMENDATION:**

Review enclosed 2016 1<sup>st</sup> Quarter Goals and provide feedback to departmental staff.

**REVIEWED BY DIRECTOR:**

*SB for SA*

**ATTACHMENTS:**

- Attachment A: 2016 1<sup>st</sup> Quarter Goals Update



# Attachment A

2016 Goals & Quarterly Updates	Comp Plan #	Est. Completion	Actual Completion
1 Complete a Power Cost-of-Service Rate Study which will include a rate analysis of each customer class and current rates as well as explore new renewable rate concepts.	11C.1.5 - Power	March 2017	
<b>Q1 Update:</b> Scheduling of key study milestones and finalizing the details of the scope of service is nearly complete. The kickoff meeting for the study will be via videoconference with Mark Beauchamp, our rate consultant, on April 29, 2016. We will be asking for 2 volunteers from the Loveland Utilities Commission (LUC) to serve as liaisons for the rate study.			
2 Evaluate options to find the best level of participation and funding strategy for the Windy Gap Firming Project (WGFP).	11B.2 - Water	January 2017	
<b>Q1 Update:</b> Discussions are currently being conducted among the WGFP participants on best options for funding. There has been discussion about changing levels of participation of some members, giving rise to opportunities to discuss increased participation for Loveland.			
3 Support the completion of the FEMA Alternate Project by installing the Foothills solar facility by December 30, 2016 to take advantage of the 3x State credit, start the construction and the bidding process for equipment at the Foothills substation with the goal of completing the entire project by September 2017.	11C.3.2 - Power	September 2017	
<b>Q1 Update:</b> In March 2016, LUC approved the additional purchase of expanding solar on the Foothills site to take advantage of the entire 19 acres. This will provide the opportunity to install 3.5 megawatts of DC solar for the Loveland community. At the end of March 2016, a letter was sent to 450+ residents that surround the property to inform them of the timeline and to check the website, <a href="http://cityofloveland.org/foothills">cityofloveland.org/foothills</a> , for additional information. Time-lapse cameras have been installed at three different locations on the property to capture the entire project. On April 4, 2016 construction began on the property. We continue to work on the final design of the solar with Namaste and the bid opening for the transformers for the substation is April 21, 2016.			
4 Complete reliability, safety, and capacity capital improvements at Water Treatment Plant (WTP).	11B.3.2 - Water	August 2016	
<b>Q1 Update:</b> The WTP expansion project is approximately 85% complete and is entering the start up phase for several project components. Final completion is scheduled for August 2016.			
5 Begin design of regulatory, reliability, and capacity capital improvements at Wastewater Treatment Plant.	11D.3 - Wastewater	End of 2018	
<b>Q1 Update:</b> Carollo Engineers has completed the preliminary design of the Nutrient Removal upgrades and the headworks screening improvements. Brown and Caldwell has completed preliminary design for Digester #3. Also, we have selected Garney Construction to be the contractor Construction Manager at Risk (CMAR) will be advancing the design of all components with both engineering firms in conjunction with Garney Construction beginning in April. Design work is scheduled to be complete by the end of 2016.			
6 Redefine the Key Accounts Program by analyzing customer utility billing data, determining appropriate metrics that qualify businesses as a Key Account and justify a tiered approach for which services are offered to Key Accounts.		June 2016	
<b>Q1 Update:</b> Staff presented to the management team of Water and Power and received approval to move forward with our recommendation to the City Manager. Staff will be meeting with the City Manager mid April 2016 and hope to present our findings to you at the May LUC meeting.			

2016 Goals & Quarterly Updates	Comp Plan #	Est. Completion	Actual Completion
7 <b>Update the 2012 Raw Water Master Plan to address current and anticipated trends and concerns.</b>	11B.1.1 - Water	December 2016	
<p><b>Q1 Update:</b> This work has begun with Spronk Water Engineers doing the first step, updating the Raw Water Yield Analysis on which the Masterplan is based.</p>			
<p><b>8 Continue to support a city wide Priority Based Budgeting (PBB) approach which City Council will use to make future decisions on services and programs offered by the City.</b></p>		On-going	
<p><b>Q1 Update:</b> PBB for Water and Power has been in a holding pattern for over a year, but we expect new activity to be happening in the months to come with the hiring of a new Budget Manager who will start with the City on April 25, 2016.</p>			
<p><b>9 Continue to further develop the Asset Management Program for Loveland Water and Power with a focus on critical infrastructure.</b></p>	11B.3.3 - Water 11D.2.2 - Wastewater 11D3.1 - Wastewater	On-going	
<p><b>Q1 Update:</b> Staff continues to have regular risk mitigation meetings at the Wastewater Treatment Plant. The risk mitigation plans include actions such as creating and revising standard operating procedures, implementing preventative maintenance work orders, increasing training efforts, determining which items to keep spares on-hand and creating replacement plans. The focus during the first quarter of this year has been on mitigating the risks associated with the influent structure and influent pumps.</p>			
<p><b>10 Continue to provide support of a city wide broadband initiative through staff representation on the Broadband Project Team in conjunction with representatives from Information Technology, the City Manager's Office, the Public Information Office, Finance and the City Attorney's Office.</b></p>	11C.3.3 - Power	On-going	
<p><b>Q1 Update:</b> The City's internal Broadband Project Team has been meeting on a bi-weekly basis to discuss the broadband initiative. This team includes representation from Water and Power, IT, Legal, the Public Information Office and the City Manager's Office. During the 1st Quarter of 2016, a Request for Proposal was released for a Broadband Assessment and Feasibility Analysis. Responses were received on April 7, 2016 and are currently being reviewed by the internal Broadband Project Team.</p>			
<p><b>11 Participate in the discussion with the four cities and PRPA to explore the feasibility, the best location, and the best implementation practices on how to deploy a community solar garden program which would provide our customers with another renewable energy option.</b></p>	11C.2.1 - Power	Late 2017	
<p><b>Q1 Update:</b> Staff is in the process of reviewing potential locations for the community solar garden. PRPA and staff members have also drafted an intergovernmental agreement that would include distributed energy resources and a request for proposals to seek potential solar providers.</p>			
<p><b>12 Develop a Loveland Water &amp; Power Strategic Plan which will include discussion on a community vision, the City's mission, LWP's mission and the departments strategic focus areas which may include public health and safety, connectedness, public infrastructure, innovation and legacy, excellent service, honor the public trust and high performance while integrating information technology through all strategic initiatives.</b></p>	11B.1.2 - Water 11C.1.2 - Power 11D.1.2 - Wastewater	On-going	
<p><b>Q1 Update:</b> Mid March 2016, an interview notification document was emailed to consultants and staff is in the process of scheduling the interviews to determine which direction we should consider moving forward with to complete our strategic plan.</p>			

2016 Goals & Quarterly Updates	Comp Plan #	Est. Completion	Actual Completion
<p>13 Assist in the development of Platte River Power Authority's (PRPA) Integrated Resource Plan (IRP) which will be adopted by Western Area Power Administration in 2017 and will encompass resource planning, demand side management program results, the direction on demand response, and the future of energy efficiency goals along with the evolution of the Environmental Protection Agency's (EPA) Clean Power Plan (CPP).</p>	11C.1.2 - Power	2017	

**Q1 Update:** We do a conference call every two weeks with Fort Collins, Longmont and PRPA to discuss the possible scenarios for IRP and CPP. PRPA runs test scenarios and we discuss them and add feedback that they present to the PRPA board periodically. They have also come to Loveland once to present to LUC.





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**AGENDA ITEM:** **2**

**MEETING DATE:** 4/20/2016

**SUBMITTED BY:** Jim Lees, Utility Accounting Manager

**TITLE:** Appointment of Loveland Utilities Commission (LUC) board members as liaisons for the 2016 Power Cost-of-Service Study

**DESCRIPTION:**

Selection of at least two LUC Liaisons for the 2016 Power Cost-of-Service Rate Study.

**SUMMARY:**

Staff is seeking at least two LUC liaisons who are interested in participating in the 2016 Power Cost-of-Service Rate Study meetings and process. The scheduled meeting for the liaisons will be:

Friday, April 29, 2016 9:30 am – 12:00 pm

In addition, we hope the liaisons will be available to attend the following meetings:

1. June LUC Meeting (June 15, 2016 at 4:00 pm)
2. July LUC Meeting (July 27, 2016 at 4:00 pm)
3. City Council Study Session (August 23, 2016 at 6:30 pm)

Study results will be presented and direction will be requested at these meetings.

**RECOMMENDATION:**

Choose at least two liaisons from the LUC to participate in the 2016 Power Cost-of-Service Rate Study review process for the Water & Power Department.

**REVIEWED BY DIRECTOR**





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**AGENDA ITEM:** **3**

**MEETING DATE:** 4/20/2016

**SUBMITTED BY:** Jim Lees, Utility Accounting Manager

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**TITLE:** Financial Report Update

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**DESCRIPTION:**

This item summarizes the monthly and year-to-date Preliminary financials for March 2016.

**SUMMARY:**

The March 2016 financial reports are submitted for Commission review. The following table summarizes the sales and expense results for the month of March, and the March Year-To-Date results in comparison to the same periods from 2015. The summarized and detailed monthly financial statements that compare March Year-To-Date actuals to the 2016 budgeted figures are attached.

	March				March Year-To-Date			
	2016	2015	\$ Ovr/(Und)	% Ovr/(Und)	2016	2015	\$ Ovr/(Und)	% Ovr/(Und)
			vs. 2015	vs. 2015			vs. 2015	vs. 2015
<b>WATER</b>								
Sales	\$693,310	\$644,974	\$48,336	7.5%	\$2,115,648	\$1,992,681	\$122,967	6.2%
Operating Expenses	\$973,852	\$1,885,648	(\$911,796)	-48.4%	\$3,035,393	\$3,054,083	(\$18,691)	-0.6%
Capital (Unrestricted)	\$329,215	\$1,169,472	(\$840,256)	-71.8%	\$810,818	\$2,251,919	(\$1,441,101)	-64.0%
<b>WASTEWATER</b>								
Sales	\$762,903	\$689,516	\$73,387	10.6%	\$2,398,498	\$2,211,123	\$187,375	8.5%
Operating Expenses	\$583,688	\$569,412	\$14,276	2.5%	\$1,336,341	\$1,467,570	(\$131,229)	-8.9%
Capital (Unrestricted)	\$245,886	\$209,915	\$35,971	17.1%	\$366,384	\$442,005	(\$75,621)	-17.1%
<b>POWER</b>								
Sales	\$4,354,065	\$4,252,657	\$101,408	2.4%	\$13,803,084	\$13,329,351	\$473,733	3.6%
Operating Expenses	\$3,941,527	\$3,888,346	\$53,181	1.4%	\$11,957,855	\$11,840,063	\$117,792	1.0%
Capital (Unrestricted)	\$813,280	\$656,612	\$156,668	23.9%	\$1,335,686	\$1,280,173	\$55,513	4.3%

**RECOMMENDATION:**

Staff report only. No action required.

**REVIEWED BY DIRECTOR:**

**LIST OF ATTACHMENTS:**

- PowerPoint Slides
- City of Loveland Financial Statement-Raw Water
- City of Loveland Financial Statement-Water
- City of Loveland Financial Statement-Wastewater
- City of Loveland Financial Statement-Power

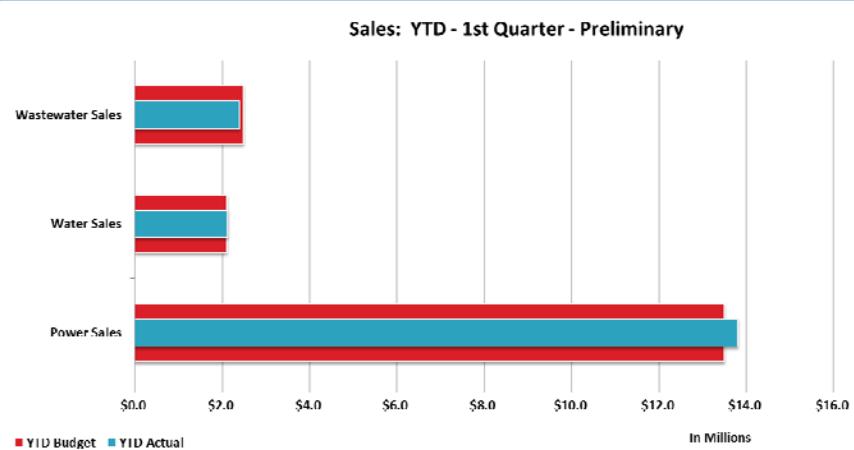


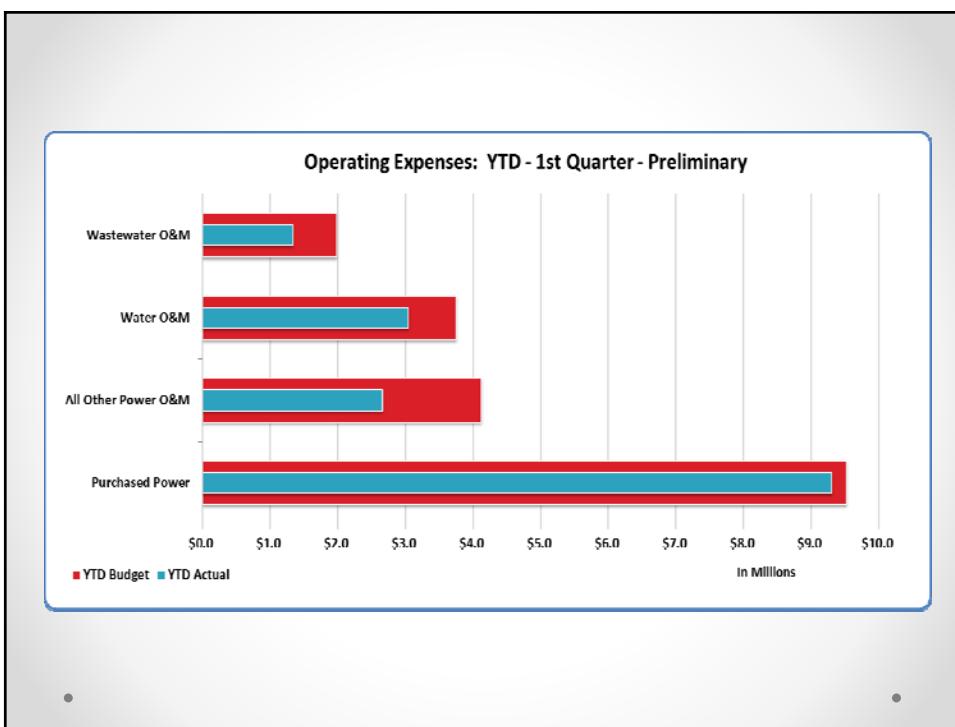


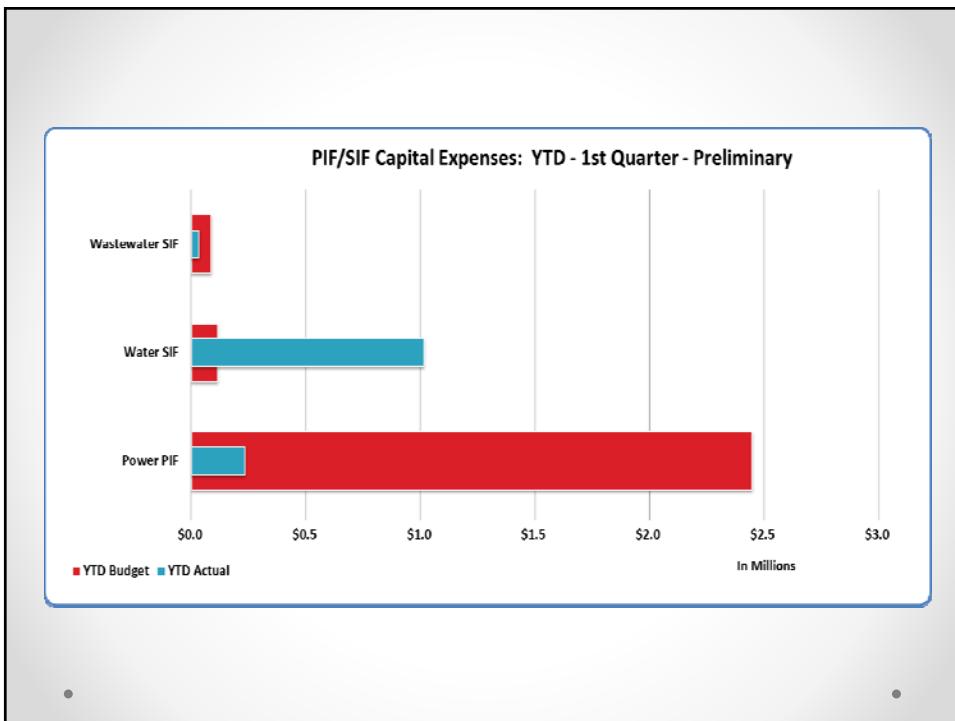
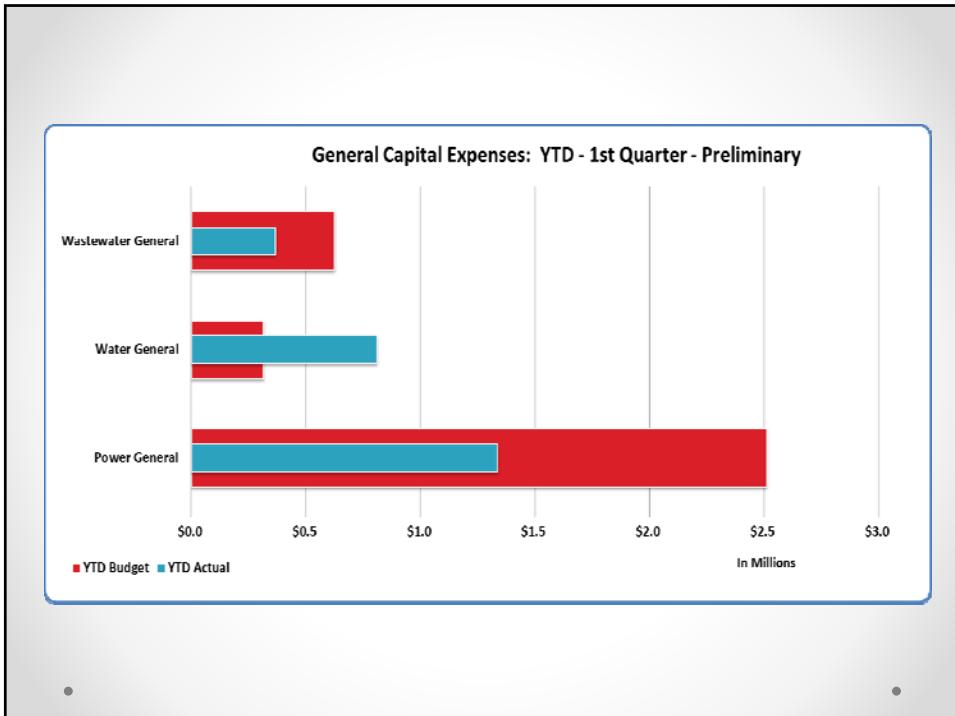
# Water & Power Quarterly Financial Report

Loveland Utilities Commission

April 20, 2016









**City of Loveland**  
**Financial Statement-Raw Water**  
For Period Ending 03/31/2016  
**Preliminary as of 3/31/2016**

	* TOTAL BUDGET FYE 12/31/2015	* YTD ACTUAL	YTD BUDGET	OVER <UNDER>	VARIANCE
<b>1 REVENUES &amp; SOURCES</b>					
2 Hi-Use Surcharge	* 52,500	* 1,416	13,140	(11,724)	-89.2%
3 Raw Water Development Fees/Cap Rec Surcharge	* 337,610	* 67,672	118,020	(50,348)	-42.7%
4 Cash-In-Lieu of Water Rights	* 250,000	* 91,704	62,490	29,214	46.7%
5 Native Raw Water Storage Fees	* 5,000	* 18,452	1,250	17,202	1376.2%
6 Loan Payback from Water	* 134,000	* 0	16,750	(16,750)	-100.0%
7 Raw Water 1% Transfer In	* 396,080	* 63,469	62,980	489	0.8%
8 Interest on Investments	* 237,270	* 37,180	59,310	(22,130)	-37.3%
<b>9 TOTAL REVENUES &amp; SOURCES</b>	<b>* 1,412,460</b>	<b>* 279,893</b>	<b>333,940</b>	<b>(54,047)</b>	<b>-16.2%</b>
<b>10 OPERATING EXPENSES</b>					
11 Loan to Water	* 0	0	0	0	0.0%
12 Windy Gap Payments	* 856,080	* 856,023	856,023	(0)	0.0%
<b>13 TOTAL OPERATING EXPENSES</b>	<b>* 856,080</b>	<b>* 856,023</b>	<b>856,023</b>	<b>(0)</b>	<b>0.0%</b>
<b>14 NET OPERATING REVENUE/(LOSS) (excl depr)</b>	<b>* 556,380</b>	<b>* (576,130)</b>	<b>(522,083)</b>	<b>(54,047)</b>	<b>10.4%</b>
<b>15 RAW WATER CAPITAL EXPENDITURES</b>	<b>* 2,620,820</b>	<b>* 1,118,956</b>	<b>425,700</b>	<b>693,256</b>	<b>162.9%</b>
<b>16 ENDING CASH BALANCES</b>					
17 Total Available Funds	* 11,148,469				
18 Reserve - Windy Gap Cash	* 1,702,122				
19 Reserve - 1% Transfer From Rates	* 5,125,986				
20 Reserve - Native Raw Water Storage Interest	* 1,590,103				
<b>21 TOTAL RAW WATER CASH</b>	<b>* 19,566,680</b>				
<b>22 MINIMUM BALANCE (15% OF OPER EXP)</b>	<b>* 128,412</b>				
<b>23 OVER/(UNDER) MINIMUM BALANCE</b>	<b>* 19,438,268</b>				

NOTE: YTD ACTUAL DOES NOT INCLUDE ENCUMBRANCES TOTALING:

0



**City of Loveland**  
**Financial Statement-Water**  
For Period Ending 03/31/2016  
**Preliminary as of 3/31/2016**

	TOTAL BUDGET		OVER <UNDER>		
	* FYE 12/31/2015	* YTD ACTUAL	YTD BUDGET		VARIANCE
<b>1 **UNRESTRICTED FUNDS**</b>					
2 REVENUES & SOURCES					
3 Water Sales	13,202,610	2,115,648	2,099,150	16,498	0.8%
4 Raw Water Transfer Out	(396,080)	(63,469)	(62,980)	(489)	0.8%
5 Wholesale Sales	137,200	6,998	6,380	618	9.7%
6 Meter Sales	51,530	19,158	5,680	13,478	237.3%
7 Interest on Investments	88,560	14,180	22,140	(7,960)	-36.0%
8 Other Revenue	1,415,760	62,278	310,790	(248,512)	-80.0%
9 Federal and State Grants	0	1,531,070	0	1,531,070	0.0%
10 Internal Loan Monies Received	753,832	750,000	750,000	0	0.0%
11 External Loan Monies Received	0	1,406,180	0	1,406,180	0.0%
<b>12 TOTAL REVENUES &amp; SOURCES</b>	<b>15,253,412</b>	<b>5,842,043</b>	<b>3,131,160</b>	<b>2,710,883</b>	<b>86.6%</b>
13 OPERATING EXPENSES					
14 Source of Supply	2,860,960	436,621	595,523	(158,902)	-26.7%
15 Treatment	3,001,805	541,147	670,291	(129,144)	-19.3%
16 Distribution Operation & Maintenance	3,353,177	584,700	796,128	(211,428)	-26.6%
17 Administration	501,816	96,167	100,220	(4,053)	-4.0%
18 Customer Relations	339,276	49,660	81,740	(32,080)	-39.2%
19 PILT	896,460	143,653	149,659	(6,006)	-4.0%
20 1% for Arts Transfer	35,012	17,593	8,750	8,843	101.1%
21 Services Rendered-Other Departments	1,069,152	266,470	266,470	0	0.0%
22 Internal Loan Debt Expense	884,500	796,620	834,240	(37,620)	-4.5%
23 External Loan Debt Expense	292,151	102,762	245,531	(142,769)	-58.1%
<b>24 TOTAL OPERATING EXPENSES</b>	<b>13,234,309</b>	<b>3,035,393</b>	<b>3,748,552</b>	<b>(713,159)</b>	<b>-19.0%</b>
<b>25 NET OPERATING REVENUE/(LOSS)(excl depr)</b>	<b>2,019,103</b>	<b>2,806,650</b>	<b>(617,392)</b>	<b>3,424,042</b>	<b>-554.6%</b>
26 CAPITAL EXPENDITURES	1,895,218	810,818	313,880	496,938	158.3%
27 ENDING CASH BALANCE			<b>8,041,206</b>		
28 WATER DEBT FUNDS ENDING CASH BALANCE			<b>52,064</b>		
29 MINIMUM BALANCE (15% OF OPER EXP)			1,985,146		
<b>30 OVER/(UNDER) MINIMUM BALANCE</b>			<b>6,056,060</b>		
31 **RESTRICTED FUNDS**					
32 REVENUES & SOURCES					
33 SIF Collections	2,079,620	549,576	331,520	218,056	65.8%
34 SIF Interest Income	52,670	4,097	13,240	(9,143)	-69.1%
35 SIF Federal and State Grants	0	1,273,555	0	1,273,555	0.0%
36 Internal Loan Monies Received	0	0	0	0	0.0%
<b>37 TOTAL SIF REVENUES &amp; SOURCES</b>	<b>2,132,290</b>	<b>1,827,229</b>	<b>344,760</b>	<b>1,482,469</b>	<b>430.0%</b>
38 SIF Capital Expenditures	701,390	1,015,284	113,910	901,374	791.3%
39 1% for Arts Transfer	70,472	0	17,620	(17,620)	-100.0%
40 Internal Loan Debt Expense	0	0	0	0	0.0%
<b>41 SIF ENDING CASH BALANCE</b>			<b>2,490,712</b>		
<b>42 TOTAL ENDING CASH BALANCE</b>			<b>10,531,918</b>		
NOTE: YTD ACTUAL DOES NOT INCLUDE ENCUMBRANCES TOTALING:			6,951,033		
43 Water Treated at WTP (in million gallons)			575		
44 Water Sold To Customers (in million gallons, includes Ranch Water & Hydrant Sales)	3,795	433	456	(23)	-5.1%



**City of Loveland-LIVE**  
**Financial Statement-Wastewater**  
For Period Ending 03/31/2016  
Preliminary as of 3/31/2016

	<b>TOTAL BUDGET</b>		<b>OVER</b>		
	* FYE 12/31/2015	* YTD ACTUAL	YTD BUDGET	<UNDER>	VARIANCE
<b>1 **UNRESTRICTED FUNDS**</b>					
2 REVENUES & SOURCES					
3 Sanitary Sewer Charges	* 10,142,610	* 2,398,498	2,479,680	(81,182)	-3.3%
4 High Strength Surcharge	* 358,330	* 83,326	82,080	1,246	1.5%
5 Interest on Investments	* 103,760	* 19,187	25,950	(6,763)	-26.1%
6 Other Revenue	* 16,097,160	* 72,559	23,660	48,899	206.7%
7 Federal Grants	* 0	* 13,715	0	13,715	0.0%
8 State Grants	* 500,000	* 108,125	125,010	(16,885)	-13.5%
<b>9 TOTAL REVENUES &amp; SOURCES</b>	<b>* 27,201,860</b>	<b>* 2,695,411</b>	<b>2,736,380</b>	<b>(40,969)</b>	<b>-1.5%</b>
10 OPERATING EXPENSES					
11 Treatment	* 3,442,352	* 616,935	752,859	(135,924)	-18.1%
12 Collection System Maintenance	* 2,715,258	* 345,984	677,583	(331,599)	-48.9%
13 Administration	* 365,971	* 60,379	65,410	(5,031)	-7.7%
14 Customer Relations	* 40,822	* 8,542	9,500	(958)	-10.1%
15 PILT	* 735,070	* 173,728	177,535	(3,807)	-2.1%
16 1% for Arts Transfer	* 166,135	* 2,352	111,655	(109,303)	-97.9%
17 Services Rendered-Other Departments	* 742,913	* 128,420	185,086	(56,666)	-30.6%
<b>18 TOTAL OPERATING EXPENSES</b>	<b>* 8,208,521</b>	<b>* 1,336,341</b>	<b>1,979,628</b>	<b>(643,287)</b>	<b>-32.5%</b>
<b>19 NET OPERATING REVENUE/(LOSS)(excl depr)</b>	<b>* 18,993,339</b>	<b>* 1,359,071</b>	<b>756,752</b>	<b>602,319</b>	<b>79.6%</b>
20 CAPITAL EXPENDITURES	* 18,559,486	* 366,384	625,695	(259,311)	-41.4%
<b>21 ENDING CASH BALANCE</b>		<b>* 10,708,596</b>			
22 MINIMUM BALANCE (15% OF OPER EXP)		* 1,231,278			
<b>23 OVER/(UNDER) MINIMUM BALANCE</b>		<b>* 9,477,318</b>			
24 **RESTRICTED FUNDS**					
25 REVENUES & SOURCES					
26 SIF Collections	* 1,517,660	* 186,263	359,670	(173,407)	-48.2%
27 SIF Interest Income	* 108,410	* 15,001	27,090	(12,089)	-44.6%
28 SIF Bond Proceeds	* 8,900,000	* 0	0	0	0.0%
<b>29 TOTAL SIF REVENUES &amp; SOURCES</b>	<b>* 10,526,070</b>	<b>* 201,264</b>	<b>386,760</b>	<b>(185,496)</b>	<b>-48.0%</b>
30 SIF Capital Expenditures	* 10,646,280	* 33,037	86,576	(53,539)	-61.8%
31 1% for Arts Transfer	* 93,104	* 0	49,634	(49,634)	-100.0%
<b>32 SIF ENDING CASH BALANCE</b>		<b>* 8,227,870</b>			
<b>33 TOTAL ENDING CASH BALANCE</b>		<b>* 18,936,465</b>			

NOTE: YTD ACTUAL DOES NOT INCLUDE ENCUMBRANCES TOTALING 3,506,124

34 Wastewater Treated at WWTP (in million gallons)	* N/A	* 567	N/A		
35 Wastewater Billed To Customers (in million gallons)	* 1,806	* 406	433	(26)	-6.1%



**City of Loveland**  
**Financial Statement-Power**  
For Period Ending 3/31/2016

*Preliminary as of 3/31/2016*

	* <b>TOTAL</b> BUDGET	* <b>YTD ACTUAL</b>	YTD BUDGET	OVER <UNDER>	VARIANCE
<b>**UNRESTRICTED FUNDS**</b>					
1 REVENUES & SOURCES:					
2 Electric revenues	* \$58,665,860	* \$13,803,084	\$13,491,000	\$312,084	2.3%
3 Wheeling charges	* \$240,000	* \$57,957	\$60,000	(\$2,043)	-3.4%
4 Interest on investments	* \$256,680	* \$37,541	\$64,170	(\$26,629)	-41.5%
5 Aid-to-construction deposits	* \$1,530,000	* \$273,256	\$382,500	(\$109,244)	-28.6%
6 Customer deposit-services	* \$260,000	* \$51,731	\$65,000	(\$13,269)	-20.4%
7 Late Payment Penalty Fees	* \$415,000	* \$130,170	\$103,750	\$26,420	25.5%
8 Connect Fees	* \$160,000	* \$38,036	\$40,000	(\$1,964)	-4.9%
9 Services rendered to other depts.	* \$5,890	* \$0	\$1,473	(\$1,473)	-100.0%
10 Other revenues	* \$387,220	* \$68,774	\$96,805	(\$28,031)	-29.0%
11 Year-end cash adjustments	* \$0	* \$0	\$0	\$0	0.0%
<b>12 TOTAL NORMAL REVENUES &amp; SOURCES</b>	<b>* \$61,920,650</b>	<b>* \$14,460,549</b>	<b>\$14,304,698</b>	<b>\$155,852</b>	<b>1.1%</b>
13 FLOOD REVENUE	* \$4,434,516	* \$0	\$1,108,629	(\$1,108,629)	-100.0%
<b>14 TOTAL REVENUES &amp; SOURCES</b>	<b>* \$66,355,166</b>	<b>* 14,460,549</b>	<b>\$15,413,327</b>	<b>(\$952,777)</b>	<b>-6.2%</b>
15 OPERATING EXPENSES:					
16 Hydro oper. & maint.	* \$1,157,875	* \$7,194	\$311,736	(\$304,542)	-97.7%
17 Purchased power	* \$42,673,764	* \$9,302,264	\$9,518,536	(\$216,272)	-2.3%
18 Distribution oper. & maint.	* \$6,296,863	* \$706,042	\$1,695,309	(\$989,267)	-58.4%
19 Customer Relations	* \$1,155,442	* \$288,906	\$311,081	(\$22,175)	-7.1%
20 Administration	* \$841,837	* \$133,587	\$226,648	(\$93,061)	-41.1%
21 Payment in-lieu-of taxes	* \$4,120,990	* \$955,612	\$1,009,643	(\$54,030)	-5.4%
22 1% for Arts Transfer	* \$86,060	* \$0	\$21,085	(\$21,085)	-100.0%
23 Services rendered-other depts.	* \$2,184,721	* \$564,250	\$546,180	\$18,070	3.3%
<b>24 TOTAL OPERATING EXPENSES (excl depn)</b>	<b>* \$58,517,552</b>	<b>* \$11,957,855</b>	<b>\$13,640,217</b>	<b>(\$1,682,363)</b>	<b>-12.3%</b>
<b>25 NET OPERATING REVENUE/(LOSS) (excl depn)</b>	<b>* \$7,837,614</b>	<b>* \$2,502,695</b>	<b>\$1,773,109</b>	<b>\$729,585</b>	<b>41.1%</b>
26 CAPITAL EXPENDITURES:					
27 General Plant/Other Generation & Distribution	* \$7,557,030	* \$937,355	\$2,019,713	(\$1,082,357)	-53.6%
28 Aid-to-construction	* \$1,530,000	* \$327,947	\$411,923	(\$83,976)	-20.4%
29 Service installations	* \$290,000	* \$70,384	\$78,077	(\$7,693)	-9.9%
<b>30 TOTAL CAPITAL EXPENDITURES</b>	<b>* \$9,377,030</b>	<b>* \$1,335,686</b>	<b>\$2,509,713</b>	<b>(\$1,174,026)</b>	<b>-46.8%</b>
<b>31 ENDING CASH BALANCE</b>			<b>* \$21,683,607</b>		
32 MINIMUM BAL. (15% of OPER EXP excl depn)			* \$8,777,633		
<b>33 OVER/(UNDER) MINIMUM BALANCE</b>			<b>* \$12,905,975</b>		
<b>34 **RESTRICTED FUNDS**</b>					
35 PIF Collections	* \$2,741,830	* \$559,267	\$685,458	(\$126,190)	-18.4%
36 PIF Interest Income	* \$45,850	* \$6,001	\$11,463	(\$5,461)	-47.6%
37 Water Loan Payback	* \$913,050	* \$796,620	\$913,050	(\$116,430)	-12.8%
<b>38 TOTAL REVENUES</b>	<b>* \$3,700,730</b>	<b>* \$1,361,889</b>	<b>\$1,609,970</b>	<b>(\$248,081)</b>	<b>-15.4%</b>
39 PIF Feeders	* \$2,800,000	* \$228,917	\$753,846	(\$524,929)	-69.6%
40 PIF Substations	* \$6,768,018	* \$5,001	\$1,692,005	(\$1,687,004)	-99.7%
<b>41 TOTAL EXPENDITURES</b>	<b>* \$9,568,018</b>	<b>* \$233,918</b>	<b>\$2,445,851</b>	<b>(\$2,211,933)</b>	<b>-90.4%</b>
<b>42 ENDING PIF CASH BALANCE</b>			<b>* \$3,771,090</b>		
<b>43 TOTAL ENDING CASH BALANCE</b>			<b>* \$25,454,698</b>		

NOTE: YTD ACTUAL does NOT include encumbrances totalling \$8397372.85

44 Energy Purchased (in million kWh) from PRPA	* 742	* 177	176	2	2.4%
45 Energy Sold to Customers (in million kWh)	* 713	* 174	173	1	0.6%





**AGENDA ITEM:** 4

**MEETING DATE:** 4/20/2016

**SUBMITTED BY:** Steve Adams, Director

*AB for SA*

**TITLE:** Commission/Council Report

**SUMMARY:**

Discuss events that the Loveland Utility Commission Board members attended and any City Council items related to the Water and Power Department from the past month.

- Colorado Budget Process Webinar – April 6, 2016
- Northern Water's Spring Water Users Meeting – April 13, 2016
- Managing the Colorado River in the 21st Century: Shared Risks and Collaborative Solutions Webinar – April 14, 2016

**RECOMMENDATION:**

Commission/Council report only.

**REVIEWED BY DIRECTOR:**

*AB for SA*





## CITY OF LOVELAND

WATER & POWER DEPARTMENT

200 North Wilson • Loveland, Colorado 80537

(970) 962-3000 • FAX (970) 962-3400 • TDD (970) 962-2620

**AGENDA ITEM:** 5

**MEETING DATE:** 4/20/2016

**SUBMITTED BY:** Steve Adams, Director

*AB for SA*

**TITLE:** Director's Report

### SUMMARY:

- **Upcoming LUC Commission Expirations —**

- Dave Schneider – June 30, 2016
- John Rust Jr. – June 30, 2016
- Randy Williams – June 30, 2016

In order to be considered for reappointment board members must submit an application and complete a discloser form. Forms have been sent to the board members listed above. Please submit discloser forms to Allison Bohling. The filing deadline is 5:00 p.m., Monday, May 16, 2016.

- **Rescheduling of July 2016 LUC Meeting —** At last month's LUC meeting, we mentioned that Mark Beauchamp, our Power Rate Consultant, has a conflict with the normal July 20 scheduling for the July LUC meeting. The LUC gave indication that Wednesday, July 27, could work as an alternate date, and Mark now has that date on his calendar. So the July LUC meeting has officially been changed to Wednesday, July 27, at 4:00 pm. Mark will be appearing at that meeting via videoconference for a second discussion regarding proposed rates for 2017. – Jim Lees
- **Joint Meeting with Fort Collins Energy Board —** Staff would like to gather feedback from LUC board members on their interest in having a joint meeting with Fort Collins Energy Board. The goal of this joint meeting would be to review and discuss energy values, goals, strategies, current projects and other related topics.

If LUC board members are interested in having a meeting, we would like to gather additional feedback regarding logistics of the meeting. Fort Collins has offered to host this meeting. We would like to know if that would work for all board members. As well as, discuss the possibility of having this meeting in addition to the regularly monthly meetings sometime during the months between August and November. – Allison Bohling

- **Tri City Meeting —** Mark your calendars for the Tri-City Meeting which will be on Thursday, May 19, 2016 from 6pm – 9pm at the Embassy Suites located at 4705 Clydesdale Parkway in Loveland. If you have not done so already please RSVP to Allison Bohling at 970-962-3567 or [Allison.Bohling@cityofloveland.org](mailto:Allison.Bohling@cityofloveland.org) before May 5, 2016. Please see attachment B for a copy of the formal invitation and attachment C for a formal copy of the meeting agenda. For all other meeting information check out [www.cityofloveland.org/tricitics](http://www.cityofloveland.org/tricitics) – Allison Bohling

- **LUC Board Members Declaration** — The Municipal Code requires that members of the Loveland Utilities Commission annually declare their financial Position as it relates to "City" Utilities.

We will be providing board members with current documentation at the April 20, 2016 meeting. Board members will need to complete the following:

- 1) If they have no changes to the most current report on file then sign and date and return to Allison Bohling.  
OR
- 2) Should they wish to make changes to their current report, a blank form is attached to update. This should be returned to Allison Bohling before May 30, 2016.

- **FEMA Solar and Substation Alternate Project Update** — On March 31, 2016, Attachment A was mailed to the HOAs that surround the Foothills site informing them that construction will begin on Monday, April 4, 2016. I reminded them that the best place to find the most up to date information is on the [www.cityofloveland.org/foothills](http://www.cityofloveland.org/foothills) website. Construction timelines, safety information, monthly time lapse videos, environmental information, breaking news and historically data is included on the website. We look forward to showing you a few photos from the first two weeks of construction at the meeting. – Gretchen Stanford
- **Open House for the NEW Development Center (DC)** — Please plan on joining us for the open house on June 10, 2016 from 9 am – 12 pm for the ribbon cutting ceremony at the new Development Center (DC). The goal of the DC is to have a centralized project development center that unites the whole development review team to help facilitate the needs of our customers. The hope is to expedite and streamline processes and create a great experience for both internal and external customers. – Gretchen Stanford
- **Broadband Update** — Request for Proposal (RFP) responses for the Broadband Assessment and Feasibility Analysis were received on April 7, 2016. The internal Broadband Project Team is performing a comprehensive evaluation and interview process to select the respondent most able to meet Loveland's scope of work for this initiative.



The Broadband Task Force, comprised of representation from local business and community members with an interest in the broadband initiative will have their first meeting on Thursday, June 2, 2016 from 8 am – 10 am in the Service Center Board Room, located at 200 N. Wilson Ave.

For information on Loveland's broadband initiative please see the City's website at [www.cityofloveland.org/broadband](http://www.cityofloveland.org/broadband) – Kim O'Field

- **Garden In A Box** — Garden In A Box, a selection of professionally designed, perennial gardens that use Xeric (low water) plants, offers residents a simple approach to an eye-catching yard. These affordable, do it yourself garden kits come with starter plants, a Plant and Care Guide, and plant by number maps.

Gardens are offered by Loveland Water and Power in partnership with the Center for ReSource Conservation. All gardens are currently sold out the pickup date will be Saturday, May 14, 2016. For more please visit the website [www.cityofloveland.org/giab](http://www.cityofloveland.org/giab) – Lindsey Bashline

- **Community Stewardship Lecture Series** — High Plains Environmental Center has partnered with Loveland Water and Power to bring you a free lecture series you won't want to miss! Every second Tuesday throughout the year, the public is invited to go to Grimm Brothers Brewhouse, 623 Denver Avenue Loveland, CO 80537 and learn from experts in the field about horticulture, energy, water, sustainability and more. Pre-registration is required. New topics announced monthly. For more information about the lecture series and how to sign-up, check out [www.cityofloveland.org/LWPLectures](http://www.cityofloveland.org/LWPLectures) – Lindsey Bashline



Calendar of Upcoming Lectures:

- May 10, 2016 – What's buzzing in my garden?
- June 14, 2016 – Introduction to Open Space
- July 12, 2016 – Powering-up! Renewable energy options in Loveland

- **Passport to Water and Power** — Loveland Water and Power is proud to be hosting the 3rd Annual Passport to Water and Power event. The event will take place at the Loveland Water and Power Service center Thursday, June 9, 2016 from 3:30 pm -7:00pm.

This outdoor event allows Loveland residents the chance to tour their local municipal utility - Loveland Water and Power. Customers can interact with each aspect of their utility, in order to learn who we are, what we do, where we work, and how we, as a municipal utility, provide water and power to the Loveland community. The event includes fun activities, educational displays, demonstrations and heavy equipment. The activities are kid friendly and the event is free and open to the general public. Last year's event series was a great success, you can learn more about Passport to Water & Power event here:

<https://www.youtube.com/watch?v=WC9LfcJX1sE>

Based upon last year event, staff would like to have a discussion with board members on how they would like to be involved at this year's event. – Lindsey Bashline

- **Northern Water Conservation Gardens Fair** — Everyone is invited to attend the free, educational Northern Water Conservation Gardens Fair on Saturday, May 21, 2016 from 9:30 am to 2:00 pm at Northern Water's headquarters at 220 Water Avenue in Berthoud. The fair will feature Conservation Gardens tours, how-to seminars and guided tours of the conservation gardens. See attachment D for additional information on this event. – Allison Bohling
- **Spring Into Green (previously called Earth Day) Update** — The City of Loveland will host the Spring Into Green (Earth Day) Event at the Foote Lagoon on Saturday, April 30, 2016 from 10:00 am to 3:00 pm. There will be various booths with vendors displaying earth-friendly goods and services available to the general public. Activities will include repurposing household battery collection, pet adoption, animal rescue supply drive, and raffle. Drive Electric Northern Colorado will have several electric vehicles available for test drives including Tesla. Food trucks will be on hand to satisfy appetites while residents will enjoy music by a local favorite, The Wendy Woo Band. – Allison Bohling

- **Children's Day** — Loveland Water and Power will participate in the annual Children's Day festival on April 18, 2016 from 1 pm – 4 pm in the Civic Center Plaza. The event will offer activities and games for children in the community. Loveland Water and Power will be contributing a booth featuring energy efficiency activities, a safety demonstration and prize giveaways. – Allison Bohling
- **Children's Water Festival** — On May 12, 2016 at Good Shepherd Church from 8:00 am to 2:00 pm nearly 800 5<sup>th</sup> grade students from the Thompson School District will join Loveland Water and Power, City of Loveland Stormwater Engineering and Northern Water at the annual Children's Water Festival. The event will offer education activities and presentations to the students including presentations from LWP staff on fats, oils and grease, backflow, water wheel, GIS water system mapping, power safety demo and Loveland water trivia. – Lindsey Bashline
- **Drinking Water Week** — For more than 35 years the American Water Works Association and its members have celebrated Drinking Water Week (May 1, 2016 – May 7, 2016) – a unique opportunity for both water professionals and the communities they serve to join together in recognizing the vital role water plays in our daily lives. Throughout the week, Loveland Water and Power and partners across the water community will celebrate the value of water by learning about the critical role it plays in our daily lives and in the quality of life we enjoy. – Allison Bohling
- **Public Works Day** – Loveland Water and Power is invited to participate in the 12<sup>th</sup> annual Public Works Day on May 17, 2016 from 9:00 am to 1:00 pm at Fairgrounds Park. Kindergarten through 5<sup>th</sup> graders from Loveland will visit educational booths including Loveland Water and Power's equipment show, what-not-to-flush demonstration and electric vehicle display. – Allison Bohling

**RECOMMENDATION:**

Director's report only.

**REVIEWED BY DIRECTOR:**

*AB for SA*

# Attachment A



**Department of Water and Power**  
Service Center • 200 N. Wilson Avenue • Loveland, CO 80537  
(970) 962-3000 • (970) 962-3400 Fax • (970) 962-2620 TDD  
[www.cityofloveland.org](http://www.cityofloveland.org)

March 30, 2016

Dear Attendees of the Foothills Solar and Substation Meetings,

Thank you for taking the time to attend the meetings related to the Foothills Solar and Substation or the FEMA Alternate project. The staff from Loveland Water and Power (LWP) thank you for your interest in the project and dedication to your neighborhood. It has been a pleasure getting to know you better. We are excited to move forward with the project and we will begin construction on the property April 4, 2016, weather pending of course.

The deadline to appeal the Foothills Solar and Substation project was January 28, 2016 and the City did not receive an appeal on the project. We are in the final stages of designing the solar facility with Namaste Solar. On March 16, 2016, the Loveland Utilities Commission (LUC) approved a second contract with Namaste Solar to utilize the entire 19 acres that will be fenced in and as a reminder you saw in the renderings to build the additional solar now rather than in future years. The original design included an output of 2.9 MWs DC and the final approved design increases the output to 3.5 MWs DC. The good news is that the entire site will be constructed now and our hope is that you will not be impacted in the future.



Image 2: Original design (left) - Full build out option (right)

In addition, Loveland Water and Power has been working with Public Works and has finalized the plans and bidding documents for the construction of Rio Blanco Avenue. On March 16, 2016, the LUC approved a contract with Coulson Excavating Company, Inc. which includes the site grading, landscaping, irrigation and construction for the Foothills Solar and Substation site, Rio Blanco Avenue and the permanent connection of Rio Blanco Avenue to West 29<sup>th</sup> Street. LWP, in conjunction with Platte River Power Authority, has begun the bidding process for substation materials and equipment.

We will continue to update the website, [www.cityofloveland.org/foothills](http://www.cityofloveland.org/foothills), which will serve as your guide through the Foothills Solar and Substation process. The website provides updated timelines on construction and can be used as a portal of information. The exciting part is that we are installing three time lapse cameras on site that will be documenting the project. Every month, we will be uploading a video for your viewing pleasure to watch the construction of the project unfold.

I am happy to continue to serve as your liaison if you were to have any questions throughout this process.

Sincerely,

Gretchen Stanford  
Customer Relations Manager, Loveland Water & Power  
970-962-3550



# Attachment B



## 2016 ANNUAL Tri-City & Districts WATER BOARD MEETING

MAY 19, 2016

6-9pm

EMBASSY SUITES - LOVELAND

4705 Clydesdale Pkwy

WE INVITE YOU TO JOIN US AT THE...

## 2016 ANNUAL TRI-CITY DISTRICT WATER BOARD MEETING

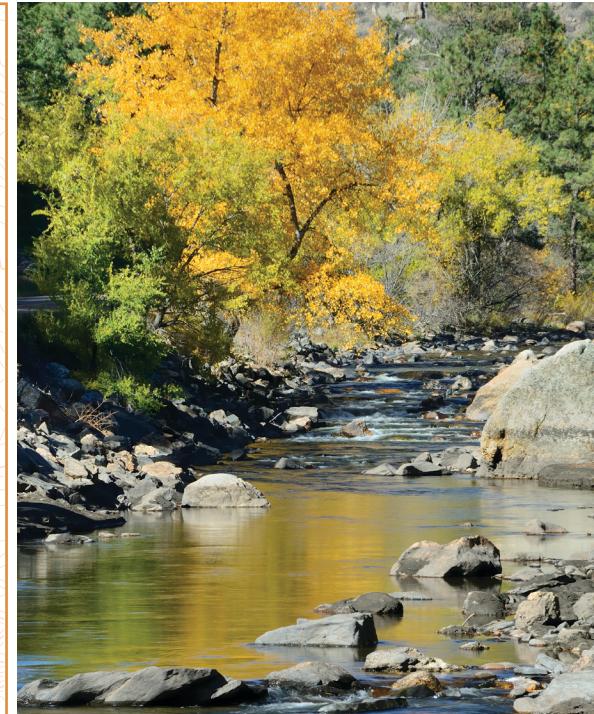
While we grow at this pace, how do we preserve what we love about our state?

LET'S EXPLORE THE ANSWERS OFFERED IN THE

## COLORADO WATER PLAN

IMPLEMENTATION STARTS WITH US

6 PM	Meet & Greet ..... Cash Bar
6:45 PM	Dinner Begins ..... Buffet Style
7:30 PM	Introduction ..... Gene Packer
7:45 PM	Board Updates ..... Attending Boards
8 PM	Understanding Our Water-Users and the Exploration of the Colorado Water Plan ..... Patty Limerick
8:45 PM	Closing Remarks ..... Gene Packer
9 PM	Adjournment



collaboration | cooperation | community

Working together to create a vibrant and sustainable lifestyle.

RSVP BY MAY 5, 2016 TO ALLISON BOHLING

[Allison.Bohling@cityofloveland.org](mailto:Allison.Bohling@cityofloveland.org) | (970) 962-3567

5



# Attachment C

# 2016 ANNUAL Tri-City & Districts WATER BOARD MEETING



## MEETING AGENDA



6 PM

Meet & Greet ..... Cash Bar

6:45 PM

Dinner Begins ..... Buffet Style

7:30 PM

Introduction ..... Gene Packer

7:45 PM

Board Updates



City of Fort Collins



City of Greeley,



Fort Collins - Loveland Water District



East Larimer County Water District



North Weld County Water District



Little Thompson Water District



City of Loveland

8 PM

Understanding Our Water-Users and the Exploration of the  
Colorado Water Plan ..... Patty Limerick

8:45 PM

Closing Remarks ..... Gene Packer

9 PM

Adjournment



# Attachment D

## Northern Water

## Conservation Gardens Fair

**Saturday, May 21 (rain or shine)**  
**FREE • 9:30 a.m. to 2 p.m. • 220 Water Ave., Berthoud**

**Seminars • Conservation Gardens tours • Expert advice**  
**Latest technology & more**

First 400 receive a Plant Select perennial!

Spin the prize wheel for a free gift

Limited free sub sandwiches available between 11:30 a.m. to 1 p.m.

### How-to Seminars

(Descriptions on page 2)

- Plan, Don't Plunk – Landscape Design 101
- Soils in your landscape
- Top trees for Colorado landscapes
- How to save water around your home and community
- Pruning 101
- Simple ways to reduce turf water use
- Xeriscape

### Guided tours of Conservation Gardens at Northern Water

Half-hour tours beginning at:

10:15, 11:00, Noon, and 1:00

- Plant Select showcase demonstration garden

### Vendors in parking lot

- Ace Hardware
- High Plains Environmental Center



### Fun stuff for kids

- Passport
- Children's potting bench
- Touch-a-Truck
- Rain maker target shoot
- Mystery faucet
- Children's prizes

### Information and Resources

- Associated Landscape Contractors of Colorado
- City of Fort Collins Utilities
- Colorado Master Gardener Program
- Colorado State University Extension
- Colorado Vista Landscape Design
- High Plains Environmental Learning Center
- HydroPoint
- L.L. Johnson
- Loveland Water & Power
- Plant Select



Visit [www.northernwater.org](http://www.northernwater.org) Click Conservation Gardens Fair May 21 in What's New at top of home page. 800-369-7246

# HOW-TO SEMINARS

## INDOOR SEMINARS (Building C)

### 10 - 10:40 a.m. PLAN, DON'T PLUNK! - LANDSCAPE DESIGN 101

Deryn Davidson - Horticulture Agent, CSU Extension - Boulder County

- Nuts and bolts of how to create an aesthetically pleasing design
- How to incorporate water saving strategies

### 10:45 - 11:25 a.m. Soils and Water in your Landscape

Mary Hattendorf, Ph.D., CLIA - Water Management Conservation Specialist with Northern Water

- Soil types
- How water moves in different soils
- Irrigating for plant health and water conservation

### 12:30 - 1:10 p.m. TOP TREES FOR COLORADO LANDSCAPES

Alison O'Connor - Horticulture Agent, CSU Extension - Larimer County

- Review concept for properly planting a tree
- Recommendations for small, medium and large trees

### 1:15 - 1:55 p.m. MEETING THE GAP WITH CONSERVATION: HOW TO SAVE COLORADO'S WATER AROUND YOUR HOME AND IN YOUR COMMUNITY

Morgan Shimabuku - Senior Manager, Sustainability Programs with Center For ReSource Conservation

- How to help Colorado meet it's water gap while saving money on your water bill
- Easy, do-it-yourself opportunities for saving water at home and in your community

## OUTDOOR SEMINARS (Conservation Gardens)

### 10:45 - 11:25 a.m. PRUNING 101

Nada Fisher, CLT, Master Gardener - Grounds Gardener with Northern Water

- Best management practices for pruning shrubs and trees
- Structural pruning: Guiding growth and shaping the plant as wanted and storm damage and repair pruning

### 12:30 - 1:10 p.m. Simple Ways to Reduce Turf Water Use

Chad Kuhnel, CLIA, CIT - Landscape Water Management/Conservation Technician with Northern Water

- Application rate and intake rate
- Hands on look at:
  - Water saving sprinkler system components
  - Different types of nozzles
  - Changing/adjusting sprinkler heads/nozzles

### 1:15- 1:55 p.m. Xeriscape

Ron Boyd, CLIA, CID, CIT, LICT - Landscape Management Specialist with Northern Water

- The seven components of a xeriscape, and how they work together
- Building, renovating and maintaining a xeriscape
- Efficient water in a xeriscape



**AGENDA ITEM:** 6  
**MEETING DATE:** 4/20/2016  
**SUBMITTED BY:** Kim O'Field, Technical Specialist

**TITLE:** Electric Legislative Update

**DESCRIPTION:**

This item and the attachment are intended to give a brief update on electric-related legislation at both the state and federal level. Loveland Water and Power works closely with Platte River Power Authority (PRPA) and its sister cities but relies primarily on the Colorado Association of Municipal Utilities (CAMU) for information on electric-related legislation.

**SUMMARY:**

Please see Attachment A for the legislative tracking sheet of current state bills from CAMU.

**State Update:**

Some recent activity and key state legislation affecting electric utilities are:

***Don't Implement Clean Power Plan Until Stay Lifted*** – SB16-157 seeks to require the Colorado Department of Public Health and Environment (CDPHE) to suspend all activities related to the development of a state plan to implement the Clean Power Plan until the Supreme Court's stay is lifted and new deadlines for submission of state plans have been established. This bill also seeks to add a state plan as required by the Clean Power Plan to the existing process for legislative review of state implementation plans. This bill passed out of the Senate on March 29, 2016 and was introduced in the House and assigned to the Transportation and Energy Committee on March 30, 2016. CAMU and its membership are closely monitoring this bill.

**Federal Update:**

***Clean Power Plan*** – Please see Attachment B for a copy of the APPA Article – *EPA Defends CPP in Brief to Federal Appellate Court*.

The US Supreme Court's stay of the Clean Power Plan resulted in a great deal of confusion for the individual state parties who are tasked with drafting compliance with their plans. This confusion has been evident at the Colorado Department of Health and Environment (CDPHE), the agency in Colorado with the authority and responsibility to craft a state plan. The week the stay was announced the CDPHE announced it was scaling back its work and even began cancelling future stakeholder meetings. However, shortly after the Governor of Colorado announced that the State of Colorado would continue to move forward on planning for the Clean

Power Plan. In turn the CDPHE renewed its efforts and has continued stakeholder outreach. SB16-157 if passed would halt these planning actions for Colorado. The EPA defended the constitutionality of the agency's oversite of the Clean Power Plan in it's brief on March 29, 2016. States and other challengers of the Clean Power Plan have until April 14, 2016 to submit reply briefs. Oral arguments in the case will take place on June 2, 2016.

***Preservation of Municipal Tax Exemption*** – Please see Attachment C for a copy of the APPA Article – *Letter, New Congressional Caucus Aim to Safeguard Municipal Bonds*

The number one federal issue related to electric legislation is to preserve the tax exemption for local governments and APPA and CAMU will be staying diligent on this topic at the federal level. The City has and continues to offer our support of this issue.

**RECOMMENDATION:**

Information item only. No action required.

**REVIEWED BY DIRECTOR:**

*AB for SA*

**ATTACHMENTS:**

- **Attachment A:** CAMU Legislative Tracking Sheet
- **Attachment B:** APPA Article - *Public Power Daily: EPA Defends CPP in Brief to Federal Appellate Court*
- **Attachment C:** APPA Article - *Public Power Weekly: Letter, New Congressional Caucus Aim to Safeguard Municipal Bonds*

# Attachment A



## Colorado Association of Municipal Utilities 2016 State Legislative Tracking Sheet

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**HB16-1004**

### Measurable Goals Deadlines CO Climate Action Plan

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**Comment:**
**Position:** **Monitor**
**Short Title:** Measurable Goals Deadlines CO Climate Action Plan

**Summary:** The bill requires:

- \* The state climate action plan to include specific measurable goals, the achievement of which will either reduce Colorado's greenhouse gas emissions or increase Colorado's adaptive capability to respond to climate change, along with associated near-term, mid-term, and long-term deadlines to achieve the goals; and
- \* The annual climate report to the general assembly to include an analysis of the progress made in meeting the measurable goals and deadlines specified in the plan.

**Status:**

01/13/2016 Introduced In House - Assigned to Health, Insurance, & Environment  
 02/04/2016 House Committee on Health, Insurance, & Environment Refer Amended to House Committee of the Whole  
 02/08/2016 House Second Reading Passed with Amendments - Committee, Floor  
 02/09/2016 House Third Reading Passed - No Amendments  
 03/04/2016 Introduced In Senate - Assigned to Agriculture, Natural Resources, & Energy  
 03/24/2016 Senate Committee on Agriculture, Natural Resources, & Energy Witness Testimony and/or Committee Discussion Only  
 03/30/2016 Senate Committee on Agriculture, Natural Resources, & Energy Postpone Indefinitely

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**HB16-1035**

### PUC Approval Of Securities Only For Gas & Electric

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**Comment:**
**Position:** **Monitor**
**Short Title:** PUC Approval Of Securities Only For Gas & Electric

**Summary:** The bill specifies that the statute requiring advance approval by the public utilities commission for the issuance of securities to fund property acquisitions, facilities,

repairs, and other expenditures applies only to electric and gas utilities.

**Status:**

01/13/2016 00:10 Introduced In House - Assigned to State, Veterans, & Military Affairs  
 01/13/2016 Introduced In House - Assigned to State, Veterans, & Military Affairs  
 02/22/2016 House Committee on State, Veterans, & Military Affairs Witness Testimony and/or Committee Discussion Only  
 02/29/2016 House Committee on State, Veterans, & Military Affairs Refer Unamended to House Committee of the Whole  
 03/02/2016 House Second Reading Passed - No Amendments  
 03/04/2016 House Third Reading Laid Over to 03/08/2016 - No Amendments  
 03/08/2016 House Third Reading Passed - No Amendments  
 03/09/2016 Introduced In Senate - Assigned to State, Veterans, & Military Affairs  
 03/30/2016 Senate Committee on State, Veterans, & Military Affairs Refer Unamended - Consent Calendar to Senate Committee of the Whole  
 04/04/2016 Senate Second Reading Passed - No Amendments  
 04/05/2016 Senate Third Reading Passed - No Amendments

**HB16-1073****Electrical Industry Safety And Training Act****Comment:****Position:****Monitor****Short Title:**

Electrical Industry Safety And Training Act

**Summary:**

Under current law, an applicant seeking renewal of a license to be a journeyman electrician, a master electrician, or a residential wireman must demonstrate competency through an assessment performed by a private company in compliance with state electrical board (board) rules. Section 1 of the bill modifies the competency requirement by requiring an applicant seeking renewal or reinstatement of his or her license to complete 24 hours of continuing education during each cycle of his or her license in compliance with board rules. The continuing education requirements established by the board must include course work related to the National Electrical Code, including core competencies as determined by the board. Section 2 requires that each inspection performed by an incorporated town or city, a county, a city and county, or a qualified state institution of higher education include a contemporaneous review to ensure compliance with electrician licensure and inspection requirements. Each incorporated town or city, county, city and county, or qualified state institution of higher education conducting inspections is required to develop standard procedures to advise its inspectors how to conduct a contemporaneous review and to post its current procedures on its web site.

**Status:**

01/13/2016 00:10 Introduced In House - Assigned to Business Affairs and Labor  
 01/13/2016 Introduced In House - Assigned to Business Affairs and Labor  
 01/26/2016 House Committee on Business Affairs and Labor Refer Amended to House Committee of the Whole  
 02/03/2016 House Second Reading Passed with Amendments - Committee, Floor  
 02/04/2016 House Third Reading Passed - No Amendments  
 02/05/2016 Introduced In Senate - Assigned to Business, Labor, & Technology  
 03/21/2016 Senate Committee on Business, Labor, & Technology Refer Unamended - Consent Calendar to Senate Committee of the Whole  
 03/24/2016 Senate Second Reading Passed - No Amendments  
 03/28/2016 Senate Third Reading Passed - No Amendments  
 04/01/2016 Signed by the Speaker of the House

04/04/2016 Signed by the President of the Senate  
 04/05/2016 Sent to the Governor

**HB16-1091****Change Due Dates For Elec Util Transmission Plans****Comment:****Position:** **Monitor****Short Title:** Change Due Dates For Elec Util Transmission Plans**Summary:**

Legislation adopted in 2007 required rate-regulated electric utilities to conduct biennial reviews, on or before October 31 of each odd-numbered year, in which the utilities developed plans for transmitting electricity from geographic areas in which energy resources were likely to be available to where the electricity would be needed. The bill preserves the requirement for biennial review but changes the due date for those reviews from October 31 to another date determined by the Colorado public utilities commission. The bill also deletes existing requirements that:

- \* Reviews be simultaneously conducted by the Colorado public utilities commission; and
- \* The commission issue an order approving or rejecting an application for a certificate of public convenience and necessity for construction or expansion of transmission facilities within 180 days.

**Status:**

01/19/2016 Introduced In House - Assigned to Transportation & Energy  
 02/03/2016 House Committee on Transportation & Energy Refer Unamended to House Committee of the Whole  
 02/08/2016 House Second Reading Passed - No Amendments  
 02/09/2016 House Third Reading Passed - No Amendments  
 02/16/2016 Introduced In Senate - Assigned to Agriculture, Natural Resources, & Energy  
 03/03/2016 Senate Committee on Agriculture, Natural Resources, & Energy Refer Unamended - Consent Calendar to Senate Committee of the Whole  
 03/07/2016 Senate Second Reading Passed - No Amendments  
 03/08/2016 Senate Third Reading Passed - No Amendments  
 03/11/2016 Signed by the Speaker of the House  
 03/15/2016 Signed by the President of the Senate  
 03/15/2016 Sent to the Governor  
 03/23/2016 Governor Signed

**HB16-1182****Sunset Commodity Metals Theft Task Force****Comment:****Position:** **Support****Short Title:** Sunset Commodity Metals Theft Task Force**Summary:**

Sunset Process - House Judiciary Committee. The bill extends the repeal of the commodity metals theft task force to September 1, 2025.

**Status:**

02/02/2016 Introduced In House - Assigned to Business Affairs and Labor  
 02/23/2016 House Committee on Business Affairs and Labor Refer Amended to House Committee of the Whole  
 02/25/2016 House Second Reading Passed with Amendments - Committee

02/26/2016 House Third Reading Passed - No Amendments  
 03/09/2016 Introduced In Senate - Assigned to Judiciary  
 03/21/2016 Senate Committee on Judiciary Refer Unamended - Consent Calendar to Senate Committee of the Whole  
 03/24/2016 Senate Second Reading Passed - No Amendments  
 03/28/2016 Senate Third Reading Passed - No Amendments  
 04/04/2016 Signed by the President of the Senate  
 04/04/2016 Signed by the Speaker of the House  
 04/05/2016 Sent to the Governor

**HB16-1208****Create Data Privacy Subcommittee****Comment:****Position:** **Monitor****Short Title:** Create Data Privacy Subcommittee**Summary:** The bill creates within the joint technology committee a subcommittee on data privacy and cyber-security (subcommittee) to consider:

- \* Whether state governmental agencies are collecting or retaining data that exceed what is necessary and appropriate for such agencies to perform their functions;
- \* Who has access to such data, the extent of such access, and appropriate measures to protect sensitive data; and
- \* Measures to protect such data against unauthorized access, disclosure, use, modification, or destruction. The subcommittee shall submit its findings to the joint technology committee and to the general assembly, by January 1, 2018. The subcommittee is repealed, effective July 1, 2018.

**Status:** 02/04/2016 Introduced In House - Assigned to State, Veterans, & Military Affairs  
 03/21/2016 House Committee on State, Veterans, & Military Affairs Postpone Indefinitely**HB16-1346****Open Records Subject To Inspection Denial****Comment:****Position:** **Monitor****Short Title:** Open Records Subject To Inspection Denial**Summary:** The bill allows a custodian to deny access to confidential personal information records and employee personal e-mail addresses. The provisions of the "Colorado Open Records Act" that relate to civil or administrative investigations and trade secrets and other privileged and confidential information apply to the judicial branch.**Status:** 03/09/2016 Introduced In House - Assigned to State, Veterans, & Military Affairs  
 04/06/2016 House Committee on State, Veterans, & Military Affairs Postpone Indefinitely**HB16-1411****Fort Lyon Residential Community Study****Comment:**

<b>Position:</b>	<b>Monitor</b>
<b>Short Title:</b>	Fort Lyon Residential Community Study
<b>Summary:</b>	<p>Joint Budget Committee. In 2013, the general assembly enacted legislation to create a supportive residential community for individuals who are homeless that is operated at the Fort Lyon property (program). The bill repeals the program on July 1, 2019. Prior to the repeal, the bill requires a longitudinal evaluation of the program (study) to be undertaken. The state auditor, with the concurrence of the division of housing in the department of local affairs (division), is required to contract with an independent, 3rd party to conduct the study. The state director of housing is required to appoint 3 members to a Fort Lyon study advisory committee (committee) who are experts in evaluating similar programs. The committee is required to make recommendations about the request for proposals process and the contractor selection process, and along with the division, assist the state auditor in evaluating the contractor's progress on the study. The bill also specifies what the contractor is required to include in the study. The study will include pre- and post-evaluation of the program and, to the extent possible, utilize a matched-comparison group. A contractor may use various program and administrative data sources and comparable studies or reports for the study. The final report is due by August 1, 2018, and the contractor will also prepare a preliminary report. The division is authorized to solicit, accept, and expend gifts, grants, and donations for the study, and the state auditor may use this money to pay the contractor.</p>
<b>Status:</b>	<p>03/28/2016 Introduced In House - Assigned to Appropriations</p> <p>03/29/2016 House Committee on Appropriations Refer Amended to House Committee of the Whole</p> <p>03/31/2016 House Second Reading Passed with Amendments - Committee</p> <p>04/01/2016 House Third Reading Passed - No Amendments</p> <p>04/01/2016 Introduced In Senate - Assigned to Appropriations</p> <p>04/04/2016 Senate Committee on Appropriations Refer Amended to Senate Committee of the Whole</p> <p>04/06/2016 Senate Second Reading Passed with Amendments - Committee</p> <p>04/07/2016 Senate Third Reading Passed with Amendments - Floor</p>

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<b>SB16-007</b>	<b>Biomass Renewable Energy Wildfire High Risk Areas</b>
<b>Comment:</b>	
<b>Position:</b>	<b>Monitor</b>
<b>Short Title:</b>	Biomass Renewable Energy Wildfire High Risk Areas
<b>Summary:</b>	<p>Current law requires a provider of retail electric service in Colorado to generate, or cause to be generated, a certain portion of its retail electric sales from renewable energy resources. The bill creates an incentive for a retail electric service provider to utilize certain biomass to meet the renewable energy requirements. For a period of up to 30 years, a retail electric service provider that generates electricity from a biomass source that uses forest materials located in areas with a high risk of wildfire may count each kilowatt-hour generated as 3 kilowatt-hours for purposes of complying with the renewable energy standard.</p>
<b>Status:</b>	<p>01/13/2016 Introduced In Senate - Assigned to Agriculture, Natural Resources, &amp; Energy</p> <p>02/11/2016 Senate Committee on Agriculture, Natural Resources, &amp; Energy Refer Amended to Senate Committee of the Whole</p>

02/17/2016 Senate Second Reading Laid Over Daily - No Amendments  
 02/18/2016 Senate Second Reading Laid Over to 02/23/2016 - No Amendments  
 02/23/2016 Senate Second Reading Passed with Amendments - Committee, Floor  
 02/24/2016 Senate Third Reading Passed - No Amendments  
 02/26/2016 Introduced In House - Assigned to Transportation & Energy  
 03/09/2016 House Committee on Transportation & Energy Postpone Indefinitely

**SB16-037****Public Access Digitally Stored Data Under CORA****Comment:****Position:** **Oppose****Short Title:** Public Access Digitally Stored Data Under CORA**Summary:** The bill makes the following modifications to existing legal requirements under the "Colorado Open Records Act" (CORA) pertaining to the inspection of public records:

- \* Updates outmoded statutory language used to describe public records kept in miniaturized, electronic, or digital form as a foundation for inspection requirements in connection with such records;
- \* Deletes existing language requiring the official custodian to take such measures as are necessary to assist the public in locating the specific records sought and to ensure public access to the public records without unreasonable delay or cost. In place of such language, the bill substitutes provisions requiring the official custodian to provide records, or any portion of such records, in any nonproprietary file format and storage medium specified by a records requestor including digital copies of any computer files on any digital storage medium in common usage at the time of the request, via electronic mail, records uploaded to an online storage location shared with the requestor, access through viewing stations for public records kept on microfiche, or, in the discretion of the official custodian, direct electronic access. If requested, the official custodian must provide the records, or any portion of such records, in the same database or other file format in which the records are maintained by the official custodian unless, in the sole discretion of the official custodian, providing the records or any portion of such records, in the same database or other file format in which the records are maintained by the official custodian will result in the public disclosure of confidential or proprietary information of third parties or specialized details of security arrangements or investigations. In such cases, the official custodian is required to export the data into an alternative machine-readable digital format in common usage at the time of the request.
- \* Requires the official custodian to manipulate electronically or digitally stored data in order to delete any confidential data in response to a records request. Removal of confidential information or data does not trigger certain requirements specified in CORA for the payment of fees for the generation or copy of a public record. However, the official custodian may charge the requestor for the actual cost of the digital storage medium used, if any, and a research and retrieval fee for the time spent removing such information.

**Status:**

01/13/2016 Introduced In Senate - Assigned to State, Veterans, & Military Affairs  
 02/24/2016 Senate Committee on State, Veterans, & Military Affairs Postpone Indefinitely

**SB16-038****Transparency Of Community-centered Boards**

**Comment:****Position:****Short Title:****Summary:****Monitor****Transparency Of Community-centered Boards**

Section 2 of the bill makes all writings made, maintained, or kept by a community-centered board (CCB) that receives more than 75% of its funding on an annual basis from the federal, the state, or a local government or from any combination of such governmental entities subject to public inspection as a "public record" under "Colorado Open Records Act". Section 3 of the bill requires the state auditor, at least once every 5 years or more frequently at the state auditor's discretion, to conduct or cause to be conducted a performance audit of each CCB that receives more than 75% of its funding on an annual basis from federal, state, or local government, or from any combination of such governmental entities, to determine whether such CCB is effectively and efficiently fulfilling its statutory obligations. A CCB becomes subject to the audit requirement when the CCB initially satisfies the 75% funding requirement for any one year regardless of whether or not the funding level decreases below 75% in any subsequent year. Section 3 of the bill further requires the state auditor to submit a written report and recommendations on each audit conducted and to present the report and recommendations to the legislative audit committee. The cost of any performance audit undertaken is imposed on the CCB. Section 2 of the bill also makes each CCB subject to the requirements of the "Colorado Local Government Audit Law".

**Status:**

01/13/2016 Introduced In Senate - Assigned to State, Veterans, & Military Affairs

02/01/2016 Senate Committee on State, Veterans, & Military Affairs Witness  
Testimony and/or Committee Discussion Only

03/30/2016 Senate Committee on State, Veterans, & Military Affairs Refer Amended  
to Finance

**SB16-046****Preserve Options Respond EPA Clean Power Plan Rule****Comment:****Position:****Short Title:****Summary:****Monitor****Preserve Options Respond EPA Clean Power Plan Rule**

The federal environmental protection agency (EPA) has promulgated rules to regulate carbon dioxide emissions from existing fossil-fuel-fired electric generating units (the "clean power plan"). The rules require states to submit a plan to the EPA detailing how they will comply with the clean power plan, but allow states to qualify for a 2-year extension on filing a plan by filing an "initial submittal". The bill directs the air quality control commission (AQCC) to:

\* Conduct a public input process necessary to make the initial submittal and thereby qualify for the 2-year extension without making any binding commitments in any way not required by the express provisions of the clean power plan, including to submit a state plan in the future;

\* Consider specific factors in developing the state plan; and

\* Submit a report, prepared jointly with the public utilities commission, to the general assembly that discusses the proposed state plan in connection with the factors. Once the AQCC prepares a draft plan, it must submit it to the general assembly. The AQCC cannot submit the plan to the EPA unless the general assembly has approved it by adoption of a joint resolution. If a court stays the clean power plan or holds that it is invalid, implementation of the state plan must be suspended or terminated, as appropriate. The existing process for legislative review of state implementation plans

is expanded to include a state plan as required by the clean power plan.

<b>Status:</b>	01/19/2016 Introduced In Senate - Assigned to Agriculture, Natural Resources, & Energy 03/17/2016 Senate Committee on Agriculture, Natural Resources, & Energy Postpone Indefinitely
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**SB16-055****Rural Electric Cooperative Election Procedures****Comment:****Position:** **Monitor****Short Title:** Rural Electric Cooperative Election Procedures

**Summary:** Under current law, a cooperative electric association may hire an independent third party, such as an accounting firm, to collect and count the ballots for executive board elections. Candidates have the right to observe the counting process, and mailed ballots must include an inner envelope to preserve secrecy. The bill specifies that a mailed ballot that is received without an inner envelope or secrecy sleeve is not invalid for that reason, and that if the association contracts with an independent third party that will count ballots, the ballots must be made available to the candidates for inspection after the election.

<b>Status:</b>	01/19/2016 Introduced In Senate - Assigned to Agriculture, Natural Resources, & Energy 02/04/2016 Senate Committee on Agriculture, Natural Resources, & Energy Refer Unamended - Consent Calendar to Senate Committee of the Whole 02/09/2016 Senate Second Reading Passed - No Amendments 02/10/2016 Senate Third Reading Passed - No Amendments 02/10/2016 Introduced In House - Assigned to Transportation & Energy 03/02/2016 House Committee on Transportation & Energy Refer Unamended to House Committee of the Whole 03/07/2016 House Second Reading Passed - No Amendments 03/08/2016 House Third Reading Passed - No Amendments 03/15/2016 Signed by the President of the Senate 03/15/2016 Signed by the Speaker of the House 03/18/2016 Sent to the Governor 03/23/2016 Governor Signed
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**SB16-061****Ratepayer Protection Carbon Dioxide Increased Cost****Comment:****Position:** **Monitor****Short Title:** Ratepayer Protection Carbon Dioxide Increased Cost

**Summary:** The bill directs the public utilities commission to create a ratepayer protection program, pursuant to which an electric utility's increased costs attributable to compliance with the federal environmental protection agency's regulations that limit carbon dioxide emissions from existing fossil-fuel-fired electric generating units are paid from a state fund rather than by the utility's customers. The fund is financed by appropriations from the stationary sources control fund.

**Status:**

01/19/2016 Introduced In Senate - Assigned to Agriculture, Natural Resources, & Energy  
 03/10/2016 Senate Committee on Agriculture, Natural Resources, & Energy Refer Amended to Appropriations  
 04/01/2016 Senate Committee on Appropriations Refer Amended to Senate Committee of the Whole  
 04/05/2016 Senate Second Reading Passed with Amendments - Committee  
 04/06/2016 Senate Third Reading Passed - No Amendments  
 04/06/2016 Introduced In House - Assigned to Transportation & Energy + Appropriations

**SB16-136****Broadband Deployment****Comment:****Position:** **Oppose****Short Title:** Broadband Deployment

**Summary:** Absent voter approval at an election, a local government is prohibited from providing its own cable television service, telecommunications service, or advanced service, which is defined as high-speed internet access greater than 256 kilobits per second. If no private provider of advanced service provides advanced service anywhere within the boundaries of a local government and if certain circumstances are met, the local government is exempt from the prohibition as an unserved area. Sections 1 through 6 of the bill modify the law respecting a local government's provision of these services. Section 1 updates the definition of "advanced service" to mean high-speed internet access capability at measurable speeds of at least 10 megabits per second downstream and one megabit per second upstream. Section 3 permits a local government to evaluate the feasibility of, or need for, providing cable television service, telecommunications service, or broadband service without having to call an election first. Section 3 also requires a local government to give at least 60 days' public notice to private providers of cable television, telecommunications, or advanced service of its intent to consider a ballot measure concerning the provision of such services and to publish a plan for the proposed service. Section 4 modifies the exemption from seeking voter approval to cover those local governments with an area that constitutes an unserved area, which is defined for advanced service as an area with advanced service that consists of one or more contiguous census blocks in which a majority of the households lack access to at least one provider of advanced service that uses satellite technology and at least one provider of advanced service that uses nonsatellite technology. Section 5 expands the activities that a local government may engage in without seeking voter approval to include leasing space or capacity to a private provider, entering into a joint trenching agreement with a private provider if the lease, trenching agreement is made or entered into in a nondiscriminatory and competitively neutral manner. Section 5 also excludes from the voter approval requirement a local government's purchase, lease, construction, maintenance, or operation of middle-mile transport facilities that are made available on a nondiscriminatory, nonexclusive, competitively neutral basis. Section 7 updates the definition of broadband network for purposes of telecommunications regulation and deregulation. Section 8 updates how the public utilities commission (commission) makes an effective competition determination for high cost support mechanism (HCSM) funding, which is financial assistance provided to telecommunications companies that provide basic telephone service or broadband service in areas that lack effective competition. Section 8 also updates the process for seeking review of an effective competition determination made

by the commission. Section 10 establishes that HCSM funding cannot be used to support more than one business line per individual business, one wireline per individual household, or one wireless line per individual household. Sections 9 and 11 change the broadband fund to the broadband support mechanism, for the administration of money to award grants to projects aimed at deploying broadband service in unserved areas of the state. Section 11 also requires that a reasonable reserve of money be maintained in the broadband support mechanism. Section 11 further requires the executive director of the department of local affairs and the chief information officer of the office of information technology to report to the broadband deployment board on a quarterly basis to ensure nonduplication of state funding of broadband deployment projects.

**Status:** 03/04/2016 Introduced In Senate - Assigned to State, Veterans, & Military Affairs  
03/16/2016 Senate Committee on State, Veterans, & Military Affairs Postpone Indefinitely

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**SB16-157****Don't Implement Clean Power Plan Until Stay Lifted**

**Comment:**

**Position:** **Monitor**

**Short Title:** Don't Implement Clean Power Plan Until Stay Lifted

**Summary:**

The federal environmental protection agency (EPA) has promulgated rules to regulate carbon dioxide emissions from existing fossil-fuel-fired electric generating units (the "clean power plan"). The rules require states to submit a plan to the EPA detailing how they will comply with the clean power plan, but allow states to qualify for a 2-year extension on filing a plan by filing an "initial submittal". On February 9, 2016, the United States Supreme Court granted a stay of the clean power plan, effective through the completion of any proceedings in the Supreme Court. The bill requires the air quality control commission and the division of administration in the department of public health and environment to suspend all activities in furtherance of developing a state plan to implement the clean power plan until the Supreme Court's stay is lifted and new deadlines for submission of state plans have been established. The existing process for legislative review of state implementation plans is expanded to include a state plan as required by the clean power plan.

**Status:**

03/15/2016 Introduced In Senate - Assigned to Agriculture, Natural Resources, & Energy  
03/17/2016 Senate Committee on Agriculture, Natural Resources, & Energy Refer Unamended to Senate Committee of the Whole  
03/22/2016 Senate Second Reading Laid Over Daily - No Amendments  
03/23/2016 Senate Second Reading Laid Over Daily - No Amendments  
03/28/2016 Senate Second Reading Special Order - Passed - No Amendments  
03/29/2016 Senate Third Reading Passed - No Amendments  
03/30/2016 Introduced In House - Assigned to Transportation & Energy

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**SB16-171****New Energy Improvement District Clarifications**

**Comment:**

**Position:** **Monitor**

<b>Short Title:</b>	New Energy Improvement District Clarifications
<b>Summary:</b>	<p>The new energy improvement district (NEID) is a statewide district that operates a program to facilitate private financing of energy and water improvements to eligible real property. The bill modifies and clarifies the statutes that pertain to the NEID as follows:</p> <ul style="list-style-type: none"> <li>* Section 2 requires the county treasurer of a county that has authorized the operation of the NEID program (program) in the county to retain a one percent collection fee for each NEID special assessment that it collects, and authorizes such a county to revoke its authorization for the operation of the program so long as the county meets all of its obligations as to program financing obligations existing on the effective date of the deauthorization until any and all special assessments within the county have been paid in full to the NEID.</li> <li>* Section 3 repeals the authority of the NEID to reduce the amount of any special assessment with the consent of the owner of the property on which the special assessment is levied, clarifies that delinquent special assessment installments incur interest charges at the same rate as delinquent property taxes, and requires the county treasurer to distribute NEID special assessments to the NEID in the same manner, less the collection fee, as property taxes are distributed.</li> <li>* Section 4 repeals an existing prohibition against a county assessor taking into account, when valuing real property, an increase in its market value resulting from an energy or water improvement financed through the NEID program and repeals existing authority for the NEID to initiate a civil action for foreclosure.</li> <li>* Sections 1 through 4 also make various technical and clarifying changes.</li> </ul>
<b>Status:</b>	<p>03/22/2016 Introduced In Senate - Assigned to Local Government</p> <p>03/29/2016 Senate Committee on Local Government Refer Unamended - Consent Calendar to Senate Committee of the Whole</p> <p>03/31/2016 Senate Second Reading Special Order - Passed - No Amendments</p> <p>04/01/2016 Senate Third Reading Passed - No Amendments</p> <p>04/04/2016 Introduced In House - Assigned to Transportation &amp; Energy</p>



# Attachment B



## Public Power Daily

### EPA defends CPP in brief to federal appellate court

**From the March 31, 2016 issue of *Public Power Daily***

Originally published March 30, 2016

By Housley Carr  
*Contributing Writer*

The U.S. Environmental Protection Agency told a federal appellate court in a newly filed brief that the agency's Clean Power Plan for reducing carbon dioxide emissions from power plants is constitutional and fully supported by law and previous court rulings.

"Fossil-fuel-fired power plants emit vast amounts of CO2 pollution, and this pollution poses grave threats to public health and welfare," EPA said in its March 29 brief to the U.S. Court of Appeals for the District of Columbia District, which is considering the challenge to the CPP by 27 states, several industry groups and others.

"The Supreme Court has confirmed that EPA has the authority to regulate this pollution, from these sources, under this statutory provision," the agency continued, referring to Section 111(d) of the Clean Air Act. It asserted that, in establishing the CPP, "EPA has appropriately exercised this recognized statutory authority."

EPA issued its final version of the CPP last August. The rule seeks to reduce CO2 emissions by 32 percent from their 2005 level by 2030, and establishes interim goals starting in 2022.

Prior to the Supreme Court's stay of the rule on Feb. 9, which put implementation of the rule on hold until the courts decide on its legality, states would have been required to submit an initial compliance plan by September 2016. Final plans would have been due by September 2018. Should the rule be upheld and the stay lifted, EPA is expected to push back the dates for the submission of plans.

The day following the Supreme Court's stay of the rule, the American Public Power Association said it supports the high court's decision.

In its brief, EPA said that the core arguments of the states and others challenging the CPP "largely rest on hyperbolic mischaracterizations of this rule as broadly regulating energy markets and generation."

The agency stated that the CPP “is an air-pollution rule specifically authorized by the [Clean Air Act]. It is not an energy rule.” It said that the CPP limits emissions of CO2 — “an exceptionally important air pollutant” — but does not regulate “any other aspect of energy generation, distribution, or sale.”

EPA acknowledged that, “like any pollution limits for the power industry,” the CPP will indirectly affect energy markets, “but those impacts do not mean EPA has overstepped its authority.”

The Supreme Court in 2011 clarified that EPA’s duties under Section 111(d) “encompass the responsibility to limit power plants’ CO2 emissions to abate climate change threats,” the agency said in its brief, citing the high court’s ruling in American Electric Power vs. Connecticut.

### **Defends ‘building blocks’**

EPA told the appellate court that the agency “has thoroughly and carefully applied — based on an extensive administrative record — the Section 111 criteria to the unique circumstances of CO2 emissions from fossil-fuel-fired power plants.”

It said that an analysis of what power plants are already doing to reduce CO2 emission led EPA to determine that the best system of emission reduction for existing plants is a combination of three “building blocks” — namely, improving heat rates at existing coal-fired units; substituting generation from lower-emitting, natural gas-fired combined-cycle units; and ramping up the use of renewable energy sources like wind and solar that produce no CO2.

A primary argument of CPP opponents is that EPA should have focused on cost-effective means to reduce CO2 emissions by individual power plants.

EPA countered in its brief, however, that the agency “appropriately rejected” including as part of its rule “other technological measures, including co-firing [coal units with natural gas] and carbon sequestration, which can be integrated into the design and operation of individual plants.” It said that while it did conclude that some of these measures “are feasible and could achieve potentially significant emission reductions,” EPA rejected them because they are more costly than CO2-reduction through the building blocks approach.

The states and others challenging the CPP have until April 14 to submit reply briefs. Oral arguments in the case will take place on June 2.

# Attachment C



## PublicPowerWeekly

### Letter, new congressional caucus aim to safeguard municipal bonds

**From the March 3, 2016 issue of *Public Power Weekly***

Originally published March 2, 2016

By [Jeannine Anderson](#)

*News Editor*

Hundreds of state and local policymakers signed a letter early this month in support of municipal bonds. At the same time, two members of the House of Representatives announced the creation of a new congressional caucus to protect the tax-exempt status of municipal bonds.

Reps. Randy Hultgren, R-Ill., and Dutch Ruppersberger, D-Md., on March 1 announced the creation of the congressional Municipal Finance Caucus to “fight for state and local governments’ ability to independently finance projects to keep their communities strong.”

“The survival and reinforcement of municipal finance is important to my district in Illinois, and to communities throughout the country,” said Hultgren in a March 1 news release announcing the new caucus. “Over the last 20 years I have had the privilege of serving at the local, state and federal level, and saw first-hand how important preserving the strength of municipal finance options can be. This bipartisan caucus will ensure these issues get the attention they deserve in Congress.”

The purpose of the Municipal Finance Caucus “is to act as a forum to discuss the opportunities and challenges for states and local governments to independently fund initiatives that will strengthen their communities, and to advocate for bipartisan policies that enhance their access to the capital markets,” Hultgren and Ruppersberger said. Issues that deserve strong consideration, they said, include protecting the tax-exempt status of municipal debt, understanding how financial regulations treat such debt, and ensuring that there is a robust market for municipal securities.

Ruppersberger called municipal bonds “the single most important tool in the country for financing new roads, schools, hospitals” and other infrastructure.

There is no legislation before Congress right now that poses an immediate threat to the tax-exempt status of the interest earned by municipal bonds. But the letter and the new congressional caucus reflect the concern that, in response to federal fiscal pressures, some policymakers may again consider a tax

on state and local financing. In past federal budget proposals, for example, President Obama has mentioned the possibility of capping the value of the municipal tax exemption at 28 percent.

### **March 2 letter is signed by more than 600 officials**

The American Public Power Association is among those who helped gather signatures for the March 2 letter, which was organized by the National Association of State Treasurers. The letter, which was sent to the leaders of the House Ways and Means Committee and the Senate Committee on Finance, was signed by more than 600 state and local officials, including many public power officials.

“As leaders in state and municipal government, we are writing to stress the importance of maintaining the current tax exemption for municipal bonds,” the public power officials and others wrote in the March 2 letter. “It has been estimated that at the combined state and local levels, we must spend \$3.6 trillion by the year 2020 to meet our infrastructure needs, and the importance of building and maintaining our public infrastructure has never been more apparent.”

The decision to exempt the interest on municipal bonds from taxation “was implemented more than 100 years ago at the dawn of the U.S. income tax system, and we strenuously oppose any reduction or elimination of this tax exemption,” said the letter, which was also signed by APPA, NAST and the Government Finance Officers Association, among others.

“Proposals to change this commitment to tax-free municipal bonds would not only be costly for state and local taxpayers, but also result in fewer projects, fewer jobs and further deterioration of our infrastructure,” they said.

The cost savings that state and local governments realize through tax-exempt municipal bonds “occur because investors are willing to accept a lower rate of interest in exchange for that interest being exempt from taxation,” the letter explained. “If the tax-exemption is capped or eliminated, investors will demand a higher interest rate on municipal bonds, thereby increasing the cost to municipal issuers. As a result, municipalities will have to either curtail infrastructure projects or raise taxes on sales, property or income.”

The potential impact of the change is more than theoretical, said APPA, NAST, GFOA and the hundreds of state and local officials. In December of 2012, the municipal bond market experienced a spike in rates because investors recognized that a cap on exemption was under consideration, they noted.

“We urge you to take into account the consequences that any change in the taxation of municipal bonds will have on the taxpayers in every state and reject any proposed changes to the tax deductibility of municipal bond interest,” they concluded.



**AGENDA ITEM:** 7  
**MEETING DATE:** 4/20/2016  
**SUBMITTED BY:** Michelle Stalker, Technical Specialist

*Michelle Stalker*

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**TITLE:** Water Legislative Update

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**DESCRIPTION:**

This item and the attachment are intended to give a brief update on water-related legislation being contemplated by the Colorado General Assembly. Loveland Water and Power relies primarily on the Colorado Water Congress (CWC) for information on water-related legislation

**SUMMARY:**

The Second Regular Session of the Seventieth Colorado General Assembly convened on January 13, 2016 and will run through May 11, 2016. The Colorado Water Congress, through its State Affairs Committee, is currently tracking house and senate bills related to water.

Attachment A is an extensive Bill dossier documenting relevant actions. Attachment B shows the status of each bill that has been introduced. Below are state bills of particular interest:

1. **HB16-1005 Rain Barrels:** This bill deals with the use of rain barrels to collect precipitation from residential rooftops for nonpotable outdoor uses. As of April 1, 2016, the Senate passed this on the third reading without any amendments.
2. **HB16-1283 Water Loss Audits:** This bill that would have required annual validated water loss audit reports starting with 2017 water data figures by entities that supply at least 2,000 acre feet of water per year to customers was postponed indefinitely on April 4, 2016.

Please see attachment C for from National Water Resources Association (NWRA) on critical water issues during the 114<sup>th</sup> Congressional session. Below are federal bills of particular interest:

1. **Health Forest Management and Wildfire Prevention Act (H.R 695):** This bill is designed to protect against the bark beetle epidemic, drought, deteriorating forest conditions and high risk of wildfires on USFS land under BLM jurisdiction.  
For more information visit: <https://www.congress.gov/bill/114th-congress/house-bill/695>
2. **Waters of the U.S. S. 1140:** This was drafted to revise the definition of the term "waters of the United States", defined in the Federal Register in April 2014. This bill provides an explanation of the hydrologic cycle that is crucial to Colorado's prior appropriation system. This rule become effective on For more information visit:  
<https://www.congress.gov/bill/114th-congress/senate-bill/1140/text>

Please visit [www.cowatercongress.org](http://www.cowatercongress.org) or [www.nwra.org](http://www.nwra.org) if you would like additional information regarding federal or state bills related to water.

**RECOMMENDATION:**

Information item only. No action required

**REVIEWED BY DIRECTOR:**

*AB for SA*

**ATTACHMENTS:**

- **Attachment A:** CWC, State Affairs Committee, Water Bill Summary
- **Attachment B:** CWC, State Affairs 2016 Bill Status Sheet
- **Attachment C:** NWRA, Critical Water Issues 114<sup>th</sup> Congress

# Attachment A

## 2016 Water Legislation

### [HB16-1004](#)

Measurable Goals Deadlines CO Climate Action Plan  
**Position:** **Oppose**  
**Calendar** NOT ON CALENDAR  
**Notification:**  
**Short Title:** Measurable Goals Deadlines CO Climate Action Plan  
**Sponsors:** WINTER  
**Status:** 01/13/2016 Introduced In House - Assigned to Health, Insurance, & Environment  
02/04/2016 House Committee on Health, Insurance, & Environment Refer Amended to House Committee of the Whole  
02/08/2016 House Second Reading Passed with Amendments - Committee, Floor  
02/09/2016 House Third Reading Passed - No Amendments  
03/04/2016 Introduced In Senate - Assigned to Agriculture, Natural Resources, & Energy  
03/24/2016 Senate Committee on Agriculture, Natural Resources, & Energy Witness Testimony and/or Committee Discussion Only  
03/30/2016 Senate Committee on Agriculture, Natural Resources, & Energy Postpone Indefinitely  
**Alerts:**  
**Cal. Notif. Action:**  
**Cal. Notif.**  
**Committee:**  
**Cal. Notif. Date:**  
**Cal. Notif. Order:**  
**Date Introduced:** 2016-01-13  
**Status History:** [Status History](#)

### [HB16-1005](#)

Residential Precipitation Collection  
**Position:** **No Position**  
**Calendar** NOT ON CALENDAR  
**Notification:**  
**Short Title:** Residential Precipitation Collection  
**Sponsors:** ESGAR / MERRIFIELD  
**Status:** 01/13/2016 00:10 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources  
01/13/2016 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources  
02/22/2016 House Committee on Agriculture, Livestock, & Natural Resources Refer Amended to House Committee of the Whole  
02/24/2016 House Second Reading Laid Over to 02/29/2016 - No Amendments  
02/29/2016 House Second Reading Passed with Amendments - Committee, Floor  
03/01/2016 House Third Reading Laid Over to 03/04/2016 - No Amendments  
03/04/2016 House Third Reading Passed - No Amendments  
03/04/2016 Introduced In Senate - Assigned to Agriculture, Natural Resources, & Energy  
03/24/2016 Senate Committee on Agriculture, Natural Resources, & Energy Witness Testimony and/or Committee Discussion Only  
03/30/2016 Senate Committee on Agriculture, Natural Resources, & Energy Refer Unamended to Senate Committee of the Whole  
03/31/2016 Senate Second Reading Special Order - Passed - No Amendments  
04/01/2016 Senate Third Reading Passed - No Amendments  
04/01/2016 Senate Third Reading Reconsidered - No Amendments  
04/01/2016 Senate Third Reading Passed - No Amendments

**Alerts:**

**Cal. Notif. Action:**

**Cal. Notif.**  
**Committee:**

Cal. Notif. Date:

Cal. Notif. Order:

Date Introduced: 2016-01-13

Status History: [Status History](#)

**HB16-1019** Broadcast Burns Watershed Protection

Position: **Monitor**

Calendar  
Notification: NOT ON CALENDAR

Short Title: Broadcast Burns Watershed Protection

Sponsors: BECKER K. / JONES

Status: 01/13/2016 00:10 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources  
01/13/2016 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources  
01/27/2016 House Committee on Agriculture, Livestock, & Natural Resources Refer Amended to House Committee of the Whole  
01/29/2016 House Second Reading Laid Over Daily - No Amendments  
02/01/2016 House Second Reading Passed with Amendments - Committee  
02/02/2016 House Third Reading Passed - No Amendments  
02/03/2016 Introduced In Senate - Assigned to Agriculture, Natural Resources, & Energy  
02/25/2016 Senate Committee on Agriculture, Natural Resources, & Energy Refer Amended - Consent Calendar to Senate Committee of the Whole  
03/01/2016 Senate Second Reading Passed with Amendments - Committee  
03/02/2016 Senate Third Reading Passed - No Amendments  
03/03/2016 House Considered Senate Amendments - Result was to Concur - Repass  
03/09/2016 Signed by the Speaker of the House  
03/14/2016 Signed by the President of the Senate  
03/14/2016 Sent to the Governor  
03/22/2016 Governor Signed

Alerts:

Cal. Notif. Action:

Cal. Notif.  
Committee:

Cal. Notif. Date:

Cal. Notif. Order:

Date Introduced: 2016-01-13

Status History: [Status History](#)

**HB16-1109** Application Of State Water Law To Federal Agencies

Position: **Support**

Calendar  
Notification: NOT ON CALENDAR

Short Title: Application Of State Water Law To Federal Agencies

Sponsors: BECKER J. / SONNENBERG

Status: 01/20/2016 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources  
03/07/2016 House Committee on Agriculture, Livestock, & Natural Resources Refer Unamended to House Committee of the Whole  
03/17/2016 House Second Reading Laid Over to 03/23/2016 - No Amendments  
03/28/2016 House Second Reading Passed with Amendments - Floor  
03/29/2016 House Third Reading Passed - No Amendments  
03/29/2016 Introduced In Senate - Assigned to Agriculture, Natural Resources, & Energy  
03/30/2016 Senate Committee on Agriculture, Natural Resources, & Energy Refer Unamended - Consent Calendar to Senate Committee of the Whole  
03/31/2016 Senate Second Reading Special Order - Passed - No Amendments

04/01/2016 Senate Third Reading Passed - No Amendments  
04/08/2016 Signed by the Speaker of the House  
04/11/2016 Signed by the President of the Senate  
04/11/2016 Sent to the Governor

Alerts:

Cal. Notif. Action:

Cal. Notif.

Committee:

Cal. Notif. Date:

Cal. Notif. Order:

Date Introduced: 2016-01-20

Status History: [Status History](#)

[HB16-1228](#) Ag Protection Water Right Transfer Mechanism

Position: **Support**

Calendar Notification: NOT ON CALENDAR

Short Title: Ag Protection Water Right Transfer Mechanism

Sponsors: ARNDT / DONOVAN

Status: 02/04/2016 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources  
03/14/2016 House Committee on Agriculture, Livestock, & Natural Resources Refer Amended to House Committee of the Whole  
03/17/2016 House Second Reading Laid Over to 03/21/2016 - No Amendments  
03/21/2016 House Second Reading Passed with Amendments - Committee  
03/22/2016 House Third Reading Passed - No Amendments  
03/22/2016 Introduced In Senate - Assigned to Agriculture, Natural Resources, & Energy  
03/31/2016 Senate Committee on Agriculture, Natural Resources, & Energy Witness Testimony and/or Committee Discussion Only

Alerts:

Cal. Notif. Action:

Cal. Notif.

Committee:

Cal. Notif. Date:

Cal. Notif. Order:

Date Introduced: 2016-02-04

Status History: [Status History](#)

[HB16-1255](#) Manage Forests To Improve Water Supply Conditions

Position: **Monitor**

Calendar Notification: NOT ON CALENDAR

Short Title: Manage Forests To Improve Water Supply Conditions

Sponsors: CORAM

Status: 02/08/2016 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources  
02/29/2016 House Committee on Agriculture, Livestock, & Natural Resources Refer Amended to House Committee of the Whole  
03/02/2016 House Second Reading Passed with Amendments - Committee  
03/04/2016 House Third Reading Laid Over to 03/08/2016 - No Amendments  
03/08/2016 House Third Reading Passed - No Amendments  
03/09/2016 Introduced In Senate - Assigned to Agriculture, Natural Resources, & Energy  
03/24/2016 Senate Committee on Agriculture, Natural Resources, & Energy Refer Amended to Senate Committee of the Whole

03/29/2016 Senate Second Reading Special Order - Passed with Amendments - Committee  
03/30/2016 Senate Third Reading Passed - No Amendments  
04/01/2016 House Considered Senate Amendments - Result was to Concur - Repass  
04/01/2016 House Considered Senate Amendments - Result was to Laid Over Daily  
04/07/2016 Signed by the Speaker of the House  
04/11/2016 Signed by the President of the Senate  
04/11/2016 Sent to the Governor

## Alerts:

Cal. Notif. Action:

Cal. Notif.

Committee:

Cal. Notif. Date:

Cal. Notif. Order:

Date Introduced: 2016-02-08

Status History: [Status History](#)**HB16-1256** South Platte Water Storage StudyPosition: **Support**

Calendar Notification: Wednesday, April 13 2016

THIRD READING OF BILLS - FINAL PASSAGE  
(13) in house calendar.

Short Title: South Platte Water Storage Study

Sponsors: BROWN / SONNENBERG

Status: 02/08/2016 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources + Appropriations  
03/07/2016 House Committee on Agriculture, Livestock, & Natural Resources Refer Amended to Appropriations  
04/07/2016 House Committee on Appropriations Refer Amended to House Committee of the Whole  
04/11/2016 House Second Reading Laid Over Daily - No Amendments  
04/12/2016 House Second Reading Passed with Amendments - Committee, Floor

## Alerts:

Cal. Notif. Action: THIRD READING OF BILLS - FINAL PASSAGE

Cal. Notif.  
Committee:

Cal. Notif. Date: 2016-04-13

Cal. Notif. Order: 13

Date Introduced: 2016-02-08

Status History: [Status History](#)**HB16-1283** Water Loss Audit Report Performance StandardsPosition: **Oppose**

Calendar Notification: NOT ON CALENDAR

Short Title: Water Loss Audit Report Performance Standards

Sponsors: BECKER K.

Status: 02/19/2016 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources  
03/07/2016 House Committee on Agriculture, Livestock, & Natural Resources Lay Over Unamended - Amendment(s) Failed  
04/04/2016 House Committee on Agriculture, Livestock, & Natural Resources Postpone Indefinitely

## Alerts:

Cal. Notif. Action:

Cal. Notif.  
Committee:

Cal. Notif. Date:

Cal. Notif. Order:

Date Introduced: 2016-02-19

Status History: [Status History](#)

**HB16-1313** Auth Local Gov Master Plan Include Water Plan Goal

Position: **No Position**

Calendar Wednesday, April 13 2016  
Notification: Agriculture, Livestock, & Natural Resources  
Upon Adjournment Room 0107  
(1) in house calendar.

Short Title: Auth Local Gov Master Plan Include Water Plan Goal

Sponsors: ARNDT

Status: 03/02/2016 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources

Alerts:

Cal. Notif. Action: Upon Adjournment Room 0107

Cal. Notif. Committee: Agriculture, Livestock, & Natural Resources

Cal. Notif. Date: 2016-04-13

Cal. Notif. Order: 1

Date Introduced: 2016-03-02

Status History: [Status History](#)

**HB16-1314** Treat Preexisting Groundwater Depletions Replaced

Position: **Oppose**

Calendar NOT ON CALENDAR  
Notification:

Short Title: Treat Preexisting Groundwater Depletions Replaced

Sponsors: SAIN / MARBLE

Status: 03/02/2016 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources  
04/04/2016 House Committee on Agriculture, Livestock, & Natural Resources Postpone Indefinitely

Alerts:

Cal. Notif. Action:

Cal. Notif. Committee:

Cal. Notif. Date:

Cal. Notif. Order:

Date Introduced: 2016-03-02

Status History: [Status History](#)

**HB16-1315** Allow Seaplanes In State Parks Like Motorboats

Position: **Oppose**

Calendar Wednesday, April 13 2016  
Notification: Transportation & Energy  
1:30 p.m. Room 271  
(2) in house calendar.

Short Title: Allow Seaplanes In State Parks Like Motorboats  
Sponsors: MELTON  
Status: 03/02/2016 Introduced In House - Assigned to Transportation & Energy  
Alerts:  
Cal. Notif. Action: 1:30 p.m. Room 271  
Cal. Notif. Committee: Transportation & Energy  
Cal. Notif. Date: 2016-04-13  
Cal. Notif. Order: 2  
Date Introduced: 2016-03-02  
Status History: [Status History](#)

[HB16-1337](#) Appellate Process For Decisions About Groundwater  
Position: **No Position**  
Calendar Notification: NOT ON CALENDAR  
Short Title: Appellate Process For Decisions About Groundwater  
Sponsors: VIGIL  
Status: 03/03/2016 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources  
03/28/2016 House Committee on Agriculture, Livestock, & Natural Resources Refer Amended to House Committee of the Whole  
03/31/2016 House Second Reading Passed with Amendments - Committee  
04/01/2016 House Third Reading Passed - No Amendments  
Alerts:  
Cal. Notif. Action:  
Cal. Notif. Committee:  
Cal. Notif. Date:  
Cal. Notif. Order:  
Date Introduced: 2016-03-03  
Status History: [Status History](#)

[HB16-1382](#) Divert Water Piscatorial Aesthetic Beneficial Use  
Position:  
Calendar Notification: NOT ON CALENDAR  
Short Title: Divert Water Piscatorial Aesthetic Beneficial Use  
Sponsors: BECKER K.  
Status: 03/16/2016 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources  
04/04/2016 House Committee on Agriculture, Livestock, & Natural Resources Postpone Indefinitely  
Alerts:  
Cal. Notif. Action:  
Cal. Notif. Committee:  
Cal. Notif. Date:  
Cal. Notif. Order:  
Date Introduced: 2016-03-16  
Status History: [Status History](#)

[HB16-1392](#) Water Banks Administration  
Position:  
Calendar NOT ON CALENDAR  
Notification:  
Short Title: Water Banks Administration  
Sponsors: ARNDT / CROWDER  
Status: 03/17/2016 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources  
04/11/2016 House Committee on Agriculture, Livestock, & Natural Resources Postpone Indefinitely

Alerts:  
Cal. Notif. Action:  
Cal. Notif.  
Committee:  
Cal. Notif. Date:  
Cal. Notif. Order:  
Date Introduced: 2016-03-17  
Status History: [Status History](#)

[HB16-1413](#) Refinance Water Pollution Control Program  
Position:  
Calendar NOT ON CALENDAR  
Notification:  
Short Title: Refinance Water Pollution Control Program  
Sponsors: RANKIN / GRANTHAM  
Status: 03/28/2016 Introduced In House - Assigned to  
03/29/2016 House Committee on Appropriations Refer Unamended to House Committee of the Whole  
03/31/2016 House Second Reading Passed - No Amendments  
04/01/2016 House Third Reading Passed - No Amendments  
04/01/2016 Introduced In Senate - Assigned to Appropriations  
04/04/2016 Senate Committee on Appropriations Refer Unamended - Consent Calendar to Senate  
Committee of the Whole  
04/06/2016 Senate Second Reading Passed - No Amendments  
04/07/2016 Senate Third Reading Passed - No Amendments

Alerts:  
Cal. Notif. Action:  
Cal. Notif.  
Committee:  
Cal. Notif. Date:  
Cal. Notif. Order:  
Date Introduced: 2016-03-28  
Status History: [Status History](#)

[HB16-1433](#) Retain & Spend Sev Tax Revenues For Reserve Fund  
Position:  
Calendar Wednesday, April 20 2016  
Notification: Finance  
1:30 p.m. Room LSB-A  
(1) in house calendar.  
Short Title: Retain & Spend Sev Tax Revenues For Reserve Fund

Sponsors: HAMNER / STEADMAN  
Status: 04/05/2016 Introduced In House - Assigned to Finance  
Alerts:  
Cal. Notif. Action: 1:30 p.m. Room LSB-A  
Cal. Notif. Committee: Finance  
Cal. Notif. Date: 2016-04-20  
Cal. Notif. Order: 1  
Date Introduced: 2016-04-05  
Status History: [Status History](#)

**HJR16-1002** Dam Restoration Access To Federal Lands  
Position: **Support**  
Calendar Notification: NOT ON CALENDAR  
Short Title: Dam Restoration Access To Federal Lands  
Sponsors: CORAM & MITSCH BUSH / BAUMGARDNER  
Status: 01/13/2016 00:10 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources  
01/13/2016 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources  
01/27/2016 House Committee on Agriculture, Livestock, & Natural Resources Refer Amended to House Committee of the Whole  
01/29/2016 House Third Reading Laid Over Daily - No Amendments  
02/01/2016 House Third Reading Laid Over Daily - No Amendments  
02/04/2016 House Third Reading Passed - No Amendments  
02/05/2016 Introduced In Senate - Assigned to  
02/05/2016 Senate Third Reading Laid Over Daily - No Amendments  
02/08/2016 Senate Third Reading Passed - No Amendments  
02/10/2016 Signed by the Speaker of the House  
02/16/2016 Signed by the President of the Senate

Alerts:  
Cal. Notif. Action:  
Cal. Notif. Committee:  
Cal. Notif. Date:  
Cal. Notif. Order:  
Date Introduced: 2016-01-13  
Status History: [Status History](#)

**SB16-037** Public Access Digitally Stored Data Under CORA  
Position: **Oppose**  
Calendar Notification: NOT ON CALENDAR  
Short Title: Public Access Digitally Stored Data Under CORA  
Sponsors: KEFALAS / PABON  
Status: 01/13/2016 Introduced In Senate - Assigned to State, Veterans, & Military Affairs  
02/24/2016 Senate Committee on State, Veterans, & Military Affairs Postpone Indefinitely

Alerts:  
Cal. Notif. Action:  
Cal. Notif. Committee:

Cal. Notif. Date:

Cal. Notif. Order:

Date Introduced: 2016-01-13

Status History: [Status History](#)

**SB16-097** Use Mineral Severance Revenue For Local Govts

Position: **Monitor**

Calendar Date:

Notification: Friday, April 15 2016 SENATE APPROPRIATIONS COMMITTEE

Upon Adjournment LSB-B

(7) in senate calendar.

Short Title: Use Mineral Severance Revenue For Local Govts

Sponsors: SCOTT / CORAM

Status: 01/29/2016 Introduced In Senate - Assigned to Agriculture, Natural Resources, & Energy

03/10/2016 Senate Committee on Agriculture, Natural Resources, & Energy Witness Testimony and/or Committee Discussion Only

03/17/2016 Senate Committee on Agriculture, Natural Resources, & Energy Refer Amended to Appropriations

Alerts:

Cal. Notif. Action: Upon Adjournment LSB-B

Cal. Notif. Committee: SENATE APPROPRIATIONS COMMITTEE

Cal. Notif. Date: 2016-04-15

Cal. Notif. Order: 7

Date Introduced: 2016-01-29

Status History: [Status History](#)

**SB16-128** Amend Augmentation & Substitute Water Supply Plans

Position: **Oppose**

Calendar Date:

Notification: NOT ON CALENDAR

Short Title: Amend Augmentation & Substitute Water Supply Plans

Sponsors: HODGE / ARNDT

Status: 02/16/2016 Introduced In Senate - Assigned to Agriculture, Natural Resources, & Energy

03/03/2016 Senate Committee on Agriculture, Natural Resources, & Energy Postpone Indefinitely

Alerts:

Cal. Notif. Action:

Cal. Notif. Committee:

Cal. Notif. Date:

Cal. Notif. Order:

Date Introduced: 2016-02-16

Status History: [Status History](#)

**SB16-145** Colorado River District Subdistrict Formation

Position: **Support**

Calendar Date:

Notification:

Wednesday, April 13 2016  
 THIRD READING OF BILLS - FINAL PASSAGE  
 (2) in house calendar.

Short Title: Colorado River District Subdistrict Formation  
 Sponsors: BAUMGARDNER / MITSCH BUSH  
 Status: 03/04/2016 Introduced In Senate - Assigned to Agriculture, Natural Resources, & Energy  
 03/17/2016 Senate Committee on Agriculture, Natural Resources, & Energy Refer Amended - Consent Calendar to Senate Committee of the Whole  
 03/22/2016 Senate Second Reading Passed with Amendments - Committee  
 03/24/2016 Senate Third Reading Passed - No Amendments  
 03/24/2016 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources  
 04/06/2016 House Committee on Agriculture, Livestock, & Natural Resources Refer Amended to House Committee of the Whole  
 04/11/2016 House Second Reading Passed with Amendments - Committee  
 04/12/2016 House Third Reading Laid Over Daily - No Amendments

Alerts:  
 Cal. Notif. Action: THIRD READING OF BILLS - FINAL PASSAGE  
 Cal. Notif. Committee:  
 Cal. Notif. Date: 2016-04-13  
 Cal. Notif. Order: 2  
 Date Introduced: 2016-03-04  
 Status History: [Status History](#)

[SB16-167](#) Severance Tax Operational Fund Reserve Reduction  
 Position:  
 Calendar Notification: NOT ON CALENDAR  
 Short Title: Severance Tax Operational Fund Reserve Reduction  
 Sponsors: GRANTHAM / RANKIN  
 Status: 03/21/2016 Introduced In Senate - Assigned to Appropriations  
 04/01/2016 Senate Committee on Appropriations Refer Unamended to Senate Committee of the Whole  
 04/05/2016 Senate Second Reading Passed - No Amendments  
 04/06/2016 Senate Third Reading Passed - No Amendments  
 04/06/2016 Introduced In House - Assigned to Appropriations

Alerts:  
 Cal. Notif. Action:  
 Cal. Notif. Committee:  
 Cal. Notif. Date:  
 Cal. Notif. Order:  
 Date Introduced: 2016-03-21  
 Status History: [Status History](#)

[SB16-174](#) CO Water Conservation Bd Construction Fund Project  
 Position:  
 Calendar Notification: Friday, April 15 2016  
 SENATE APPROPRIATIONS COMMITTEE  
 Upon Adjournment LSB-B  
 (12) in senate calendar.  
 Short Title: CO Water Conservation Bd Construction Fund Project

Sponsors: SONNENBERG / VIGIL  
Status: 03/28/2016 Introduced In Senate - Assigned to Agriculture, Natural Resources, & Energy  
03/31/2016 Senate Committee on Agriculture, Natural Resources, & Energy Refer Amended to Appropriations  
Alerts:  
Cal. Notif. Action: Upon Adjournment LSB-B  
Cal. Notif. Committee: SENATE APPROPRIATIONS COMMITTEE  
Cal. Notif. Date: 2016-04-15  
Cal. Notif. Order: 12  
Date Introduced: 2016-03-29  
Status History: [Status History](#)

**SJM16-001** Good Samaritan Remediation Abandoned Mines  
Position: **Support**  
Calendar Notification: NOT ON CALENDAR  
Short Title: Good Samaritan Remediation Abandoned Mines  
Sponsors: ROBERTS / CORAM & MITSCH BUSH  
Status: 01/13/2016 Introduced In Senate - Assigned to Agriculture, Natural Resources, & Energy  
02/11/2016 Senate Committee on Agriculture, Natural Resources, & Energy Refer Amended to Senate Committee of the Whole  
02/17/2016 Senate Third Reading Laid Over to 02/19/2016 - No Amendments  
02/19/2016 Senate Third Reading Passed with Amendments - Committee  
02/25/2016 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources  
03/16/2016 House Committee on Agriculture, Livestock, & Natural Resources Refer Unamended to House Committee of the Whole  
03/18/2016 House Third Reading Passed - No Amendments  
03/22/2016 Signed by the President of the Senate  
03/30/2016 Signed by the Speaker of the House

Alerts:  
Cal. Notif. Action:  
Cal. Notif. Committee:  
Cal. Notif. Date:  
Cal. Notif. Order:  
Date Introduced: 2016-01-13  
Status History: [Status History](#)

**SJM16-002** Federal Funding For Catastrophic Wildfire Response  
Position: **Support**  
Calendar Notification: NOT ON CALENDAR  
Short Title: Federal Funding For Catastrophic Wildfire Response  
Sponsors: JONES & ROBERTS / CORAM & VIGIL  
Status: 01/13/2016 Introduced In Senate - Assigned to Agriculture, Natural Resources, & Energy  
01/21/2016 Senate Committee on Agriculture, Natural Resources, & Energy Refer Unamended to Senate Committee of the Whole  
01/22/2016 Senate Third Reading Laid Over Daily - No Amendments  
01/26/2016 Introduced In House - Assigned to  
01/26/2016 Senate Third Reading Passed with Amendments - Floor

02/03/2016 House Committee on Agriculture, Livestock, & Natural Resources Refer Unamended to House Committee of the Whole  
02/05/2016 House Third Reading Passed - No Amendments  
02/12/2016 Signed by the President of the Senate  
02/12/2016 Signed by the Speaker of the House

Alerts:

Cal. Notif. Action:

Cal. Notif.

Committee:

Cal. Notif. Date:

Cal. Notif. Order:

Date Introduced: 2016-01-13

Status History: [Status History](#)

**SJR16-003** Water Projects Eligibility Lists

Position: **Support**

Calendar Notification: NOT ON CALENDAR

Short Title: Water Projects Eligibility Lists

Sponsors: SONNENBERG / VIGIL

Status: 01/20/2016 Introduced In Senate - Assigned to Agriculture, Natural Resources, & Energy  
01/28/2016 Senate Committee on Agriculture, Natural Resources, & Energy Refer Unamended to Senate Committee of the Whole  
02/02/2016 Senate Third Reading Passed - No Amendments  
02/03/2016 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources  
02/08/2016 House Committee on Agriculture, Livestock, & Natural Resources Refer Unamended to House Committee of the Whole  
02/10/2016 House Third Reading Passed - No Amendments  
02/12/2016 Signed by the President of the Senate  
02/12/2016 Signed by the Speaker of the House  
02/12/2016 Sent to the Governor  
02/18/2016 Governor Signed

Alerts:

Cal. Notif. Action:

Cal. Notif.  
Committee:

Cal. Notif. Date:

Cal. Notif. Order:

Date Introduced: 2016-01-20

Status History: [Status History](#)

## CWC State Affairs 2016 Bill Status Sheet

Bill No.	Short Title	CWC Position	Introduced	First House				Second House				First House Repass	Conference Committee	Governor
				1st Committee	2nd Committee	2nd Reading	3rd Reading	1st Committee	2nd Committee	2nd Reading	3rd Reading			
HB16-1004	Measurable Goals Deadlines CO Climate Action Plan	Oppose	HIE 1/13	HIE 2/4		2/8	2/9	3/4	Ag PI 3/30					
HB16-1005	Residential Precipitation Collection	No Position	Ag 1/13	Ag 2/22		2/29		3/4	Ag 3/30		3/31	4/1		
HB16-1019	Broadcast Burns Watershed Protection	Monitor	Ag 1/13	Ag 1/27		2/1	2/2	2/3	Ag 2/25		3/1	3/2	3/3	3/22
HB16-1109	Application of State Water Law to Federal Agencies	Support	Ag 1/20	Ag 3/7		3/28	3/29	3/29	Ag 3/30		3/31	4/1		
HB16-1228	Ag Protection Water Right Transfer Mechanism	Support	Ag 2/4	Ag 3/14		3/21	3/22	3/22	Ag					
HB16-1255	Manage Forests to Improve Water Supply Conditions	Monitor	Ag 2/8	Ag 2/29		3/2								
HB16-1256	South Platte Water Storage Study	Support	Ag 2/8	Ag 3/7	Ap 4/8 @ 8:00									
HB16-1283	Water Loss Audit Report Performance Standards	Oppose	Ag 2/19	Ag 4/4 @ 1:30										
HB16-1313	Authority of Local Govt Master plan Include Water Plan Goal	No Position	Ag 3/2	Ag 4/4 @ 1:30										
HB16-1314	Treat Preexisting Groundwater Depletions Replaced	Oppose	Ag 3/2	Ag 4/4 @ 1:30										
HB16-1315	Allow Seaplanes in State Parks like Motorboats	Oppose	TE 3/2	TE 4/13 @ 1:30										
HB16-1337	Appellate Process for Decisions About Groundwater	No Position	Ag 3/3	Ag 3/28		3/31	4/1							
HB16-1382	Divert Water Piscatorial Aesthetic Beneficial Use		Ag 3/16	Ag 4/4 @ 1:30										
HB16-1392	Water Banks Administration		Ag 3/17	Ag 4/11 @ 1:30										

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Attachment B

# CWC State Affairs 2016 Bill Status Sheet

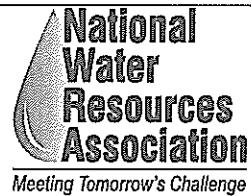
Bill No.	Short Title	CWC Position	First House					Second House					First House Repass	Conference Committee	Governor
			Introduced	1st Committee	2nd Committee	2nd Reading	3rd Reading	Introduced	1st Committee	2nd Committee	2nd Reading	3rd Reading			
HB16-1413	Refinance Water Pollution Control Program		Ap 3/2	Ap 3/29		3/31	4/1	4/1	Ap 4/4 @ 1:30						
HJR16-1002	Dam Restoration Access to Federal Lands	Support	Ag 1/13	Ag 1/27		2/4	2/5				2/8				
SB16-037	Public Access Digitally Stored Data Under CORA	Oppose	SVMA 1/13	SVMA 2/24 PI											
SB16-097	Use Mineral Severance Revenue for Local Govts	Monitor	Ag 1/29	Ag 3/17 @ 1:30	Ap										
SB16-128	Amend Augmentation and Substitute Water Supply Plans	Oppose	Ag 2/16	Ag 3/3 PI											
SB16-145	Colorado River District Subdistrict Formation	Support	Ag 3/4	Ag 3/17 @ 1:30		3/22	3/24	3/24	Ag 4/4 @ UA						
SB16-167	Severance Tax Operational Fund Reserve Reduction	Support	Ap 3/21	Ap 4/1		4/5									
SB16-174	CWCB Construction Fund Project		3/28	Ag 3/31	Ap										
SJR16-001	Good Samaritan Remediation Abandoned Mines	Support	Ag 1/13	Ag 2/11		2/19	2/25	Ag 3/16 @ UA			3/18				
SJM16-002	Federal Funding for Catastrophic Wildfire Response	Support	Ag 1/13	Ag 1/21		1/26	1/26	Ag 2/3		2/5					
SJR16-003	Water Projects Eligibility Lists	Support	Ag 1/20	Ag 1/28		2/2	2/3	Ag 2/8			2/10		2/18		

# CWC State Affairs 2016 Bill Status Sheet

Bill No.	Short Title	CWC Position	First House				Second House				First House Repass	Conference Committee	Governor
			Introduced	1st Committee	2nd Committee	2nd Reading	3rd Reading	Introduced	1st Committee	2nd Committee	2nd Reading	3rd Reading	
BILL STATUS				ABBREVIATIONS									
Bill scheduled for action at next SA meeting (yellow)				Ag = Agriculture and Natural Resources Committee									
Bill not calendared (no fill)				Ap = Appropriations Committee									
Bill Passed, date of action (green)				BLEW = Business, Labor, Economic and Workforce Development Committee									
Bill no longer active (gray)				CC = Conference Committee									
Bill Postponed Indefinitely, Lost or Laid Over to end of session, date of action (orange)				F = Finance Committee									
Bill did not go to second committee or no action required (black)				HIE= Health, Insurance, and Environment									
				J = Judiciary									
<u>CWC POSITION</u>				LG = Local Governement Committee									
Bill scheduled for activity in CWC State Affairs (yellow)				SVMA = State, Veterans, and Military Affairs Committee									
Support (green)				TE = Transportation and Energy Committee									
Oppose (orange)				UA = Upon Adjournment									
Amend (blue)				UR = Upon Recess									
Monitor, Neutral, No Position													



# Attachment C



## Critical Water Issues 114<sup>th</sup> Congress

### National Water Resources Association (NWRA)

The NWRA represents state associations, irrigation districts, other water providers, and their collective interests in the management of irrigation and municipal water supplies throughout the Western United States and portions of the South. NWRA members provide clean water to millions of individuals, as well as families, agricultural producers and other businesses throughout the United States.

### Water Supply and Drought

The NWRA is dedicated to meeting increasing water demands and developing both near- and long-term water supply solutions. The NWRA supports an “all of the above” approach to meeting our nations growing water demands. We support expanding surface and groundwater storage; expediting federal permitting and construction repayment processes; and facilitating water conservation, recycling, and desalination where economically viable, while simultaneously protecting the quality of our water resources.

We respectfully encourage Congress to pass a west wide or nationwide drought bill that:

- Improves regulatory efficiency to make the development of water projects less time consuming, cumbersome and costly.
- Authorizes the Bureau of Reclamation’s Title XVI program as a competitive grant program.
- Gives Reclamation the authority, at the request of the water user, to convert water service contracts to allow for prepayment, and dedicate additional revenues derived from this to infrastructure improvements.

NWRA also encourages Congress to pass a version of the Water Resources and Development Act (WRDA) every two years. In regard to WRDA 2016 NWRA respectfully asks Congress to:

- Expand the opportunity for a meaningful exchange of ideas with regard to Implementation Guidance.
- Support provisions that would make technical corrections/improve Section 7001 of WRDA 2014 to authorize Corps projects.
- Prohibit the implementation of the revised Federal Flood Risk Management Standard until local and state input and coordination has been completed.
- Encourage the Corps to work with water providers to increase water supply opportunities without hindering other operations at Corps facilities.

### Invest in Water Infrastructure

An investment in water infrastructure is an investment in our nation’s economy. Access to a reliable supply of water is a fundamental necessity for any and all economic development. Numerous studies have shown that every dollar invested in water infrastructure can deliver more than double the invested amount in economic return. Add to this the multitude of health, safety, hydropower and recreation benefits that often come along with water projects and it is clear that investing in water infrastructure is one of the most prudent investments the federal government can make. NWRA recognizes and appreciates the efforts that Congress has undertaken to increase funding for water infrastructure to date.

- We ask Congress to maintain the tax-exempt status of municipal bonds, one of the most valuable tools used by our nation’s water suppliers to build and improve infrastructure.
- We ask Congress to strategically target funding increases for the Bureau of Reclamation and the Army Corps of Engineers for projects that increase water supply, address current and future drought concerns, meet aging infrastructure needs, address rural water concerns, and increase project operational efficiency.

### **Respect the Role of States and Protect Water Rights**

The federal government must recognize that the states play an important role in water management. A water right is a property right and as such has significant value. These state allocated water rights should not be infringed upon. Federal entities must also recognize that the management of groundwater is reserved and vested in the individual states.

### **Forest Health**

There is a deep body of science and empirical evidence that shows healthy forests protect water supply, water quality, terrestrial and aquatic species and their habitat, the ecosystem, and also provide a broad range of other natural and socio-economic benefits. Unfortunately, the unhealthy state of the nation's forests has led to catastrophic wildfires that threaten the sustainability and quality of drinking water for tens of millions of residents.

We encourage Congress to address both regulatory and funding challenges associated with improving and maintaining forest health.

NWRA supports *H.R. 2647, the Resilient Federal Forests Act* and encourages Congress to implement it, or legislation that incorporates similar principles. We support passing a permanent fix to prevent "fire borrowing" and believe that this fix must also address regulatory challenges that unnecessarily hinder forest health improvements.

### **Endangered Species**

The Endangered Species Act (ESA), while well intentioned, needs to be modernized to improve the implementation of the act, reduce administrative burdens, reduce litigation, and promote greater partnerships with state and local governments and affected entities. Congress should work to ensure that the ESA is implemented in an open and transparent manner that focuses on species recovery and local cooperative agreements.

### **Clean Water Act and Water Quality**

NWRA supports the goals of the Clean Water Act. However, we are very concerned about the EPA and Army Corps of Engineers rule defining "waters of the United States". The rule is extremely problematic for agricultural and municipal water users alike because it will capture features commonly used by both groups like groundwater recharge ponds. It will also capture agricultural ditches and canals (as most are not wholly constructed in "uplands") and municipal features like water recycling facilities because they are frequently located in a floodplain or otherwise adjacent to jurisdictional water where all waters will be categorically defined as "waters of the U.S."

The EPA and Army Corps of Engineers need to address water user concerns. If the agencies are unwilling to address these concerns, NWRA would appreciate Congress' assistance to ensure that water supply operations are not unnecessarily hindered. NWRA supports S.1140 the *Federal Water Quality Protection Act* and H.R. 1732, the *Regulatory Integrity Protection Act*.

### **Pesticides**

NWRA believes that the EPA managed Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), not the Clean Water Act, is the appropriate mechanism for regulating pesticide use. We support H.R. 897, the *Reducing Regulatory Burdens Act of 2015* and S.1500 the *Sensible Environmental Protection Act*.

### **Looking for Additional Information?**

Visit NWRA's website at [www.nwra.org](http://www.nwra.org) or contact NWRA's Capitol Hill office at 202-698-0693.



## CITY OF LOVELAND

WATER & POWER DEPARTMENT

200 North Wilson • Loveland, Colorado 80537

(970) 962-3000 • FAX (970) 962-3400 • TDD (970) 962-2620

**AGENDA ITEM:** 8

**MEETING DATE:** 4/20/2016

**SUBMITTED BY:** Larry Howard, Senior Civil Engineer *Larry Howard*

**TITLE:** Water Supply Update

**DESCRIPTION:**

Projection for raw water supply in 2016.

**SUMMARY:**

Attachment A is the Snow–Water Equivalent chart for Bear Lake station as of April 13, 2016. Water Resources Staff generated this chart to show a range of low, median, and high years as well as the current year-to-date snow accumulation for the Bear Lake SNOTEL station in the Big Thompson Watershed. Snowpack for the Bear Lake station continues to chart along average or median values.

Attachment B is the snow updates from SNOTEL sites in the South Platte River Basin and the Upper Colorado River Basin.

Attachment C shows snowpack and streamflow comparisons as of April 1, 2016 throughout the CBT system as produced by Northern Water. Snow water content on the Upper Colorado was 106% with streamflow forecast of 100%. Big Thompson River content was 106% with streamflow forecast of 98%.

Long range forecasts do not currently indicate any drier than normal conditions setting up for the spring, but that can always change.

**RECOMMENDATION:**

Information item only. No action required.

**REVIEWED BY DIRECTOR:**

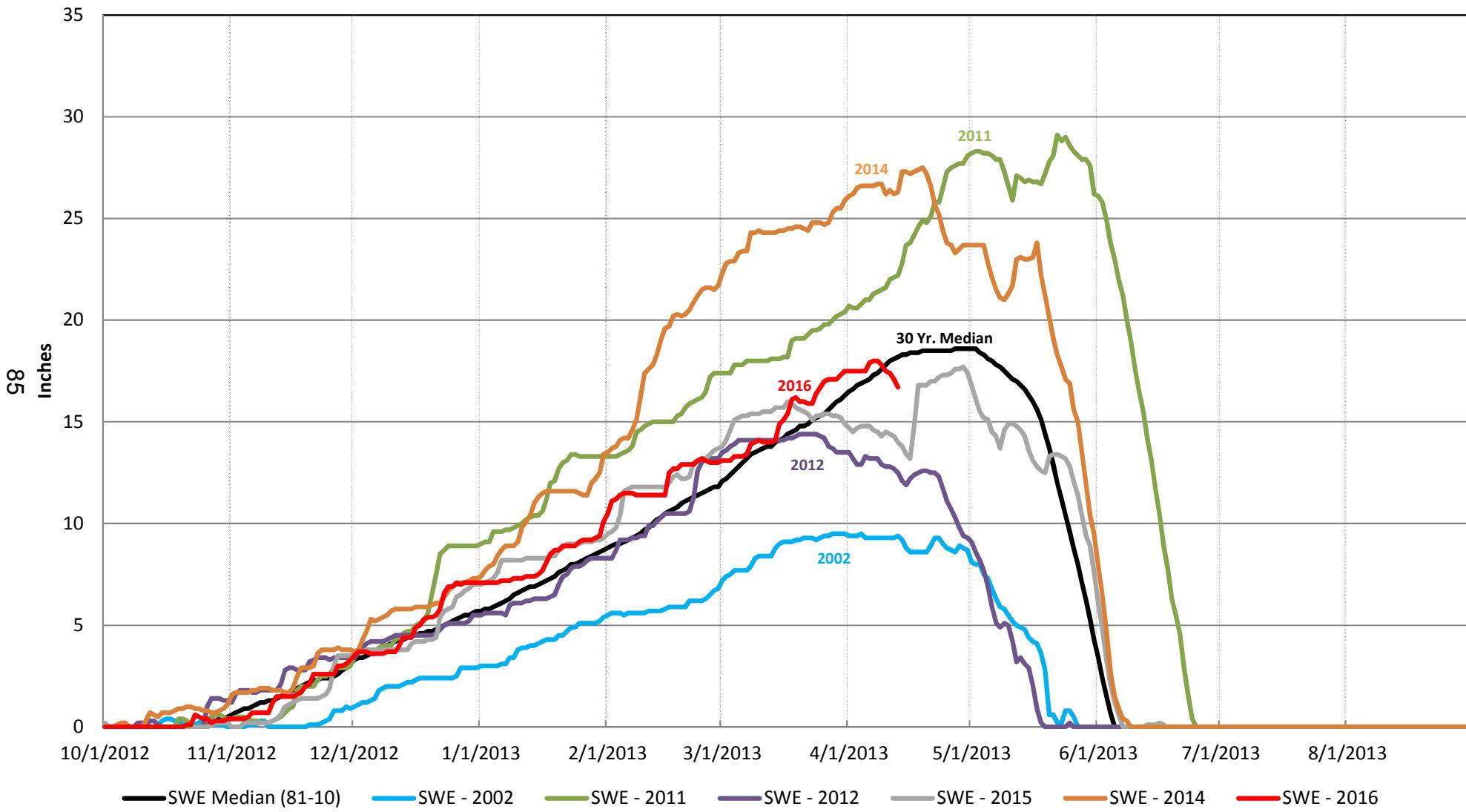
*JB for SA*

**ATTACHMENTS:**

- **Attachment A:** Snow–Water Equivalent Chart for Bear Lake SNOTEL Station
- **Attachment B:** Snowpack Updates for South Platte Basin and Upper Colorado
- **Attachment C:** April 1, 2016 Northern Water's Snowpack and Streamflow Comparisons



## Snow - Water Equivalent at Bear Lake April 13, 2016





# Attachment B

## Snow Update

Based on Data from NRCS SNOTEL Sites

4/11/2016

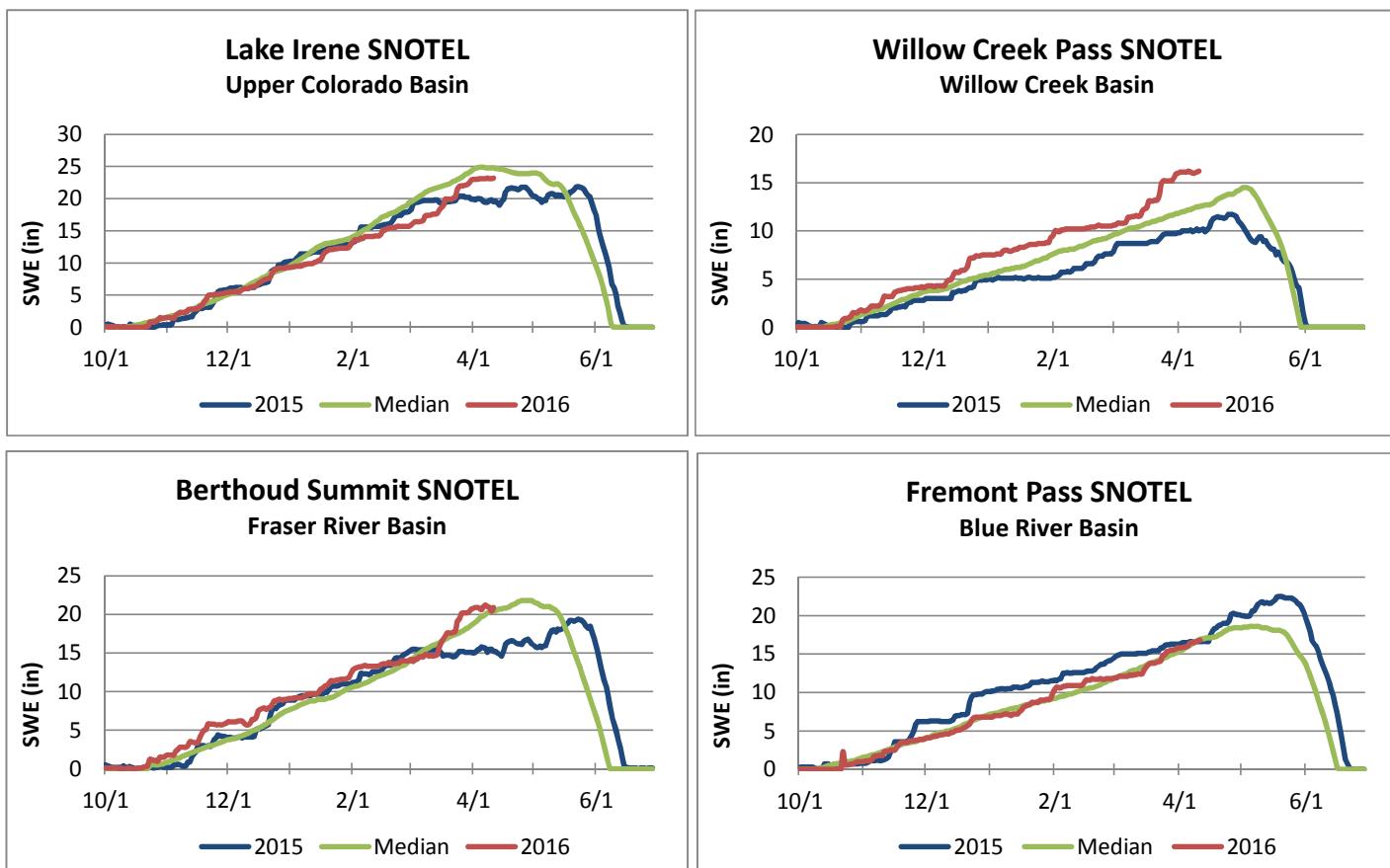
Upper Colorado River Basin					
Station Name	Basin	Elevation (ft)	Snow Water Equivalent (SWE)		
			Current (in)	Last Year (in)	Median (in) <sup>1</sup>
Berthoud Summit	Fraser	11,300	20.9	15.5	20.4
Fool Creek	Fraser	11,150	21.7	18.3	--
Fremont Pass	Blue	11,400	16.8	16.6	16.8
Grizzly Peak	Blue	11,100	18.1	15.8	17.1
High Lonesome	Upper Colorado	10,620	19.8	14.8	--
Hoosier Pass	Blue <sup>2</sup>	11,400	15.8	16.2	15.4
Jones Pass	Fraser <sup>2</sup>	10,400	17	0.0	14.4
Lake Irene	Upper Colorado	10,700	23.2	19.8	24.8
Never Summer	Willow Creek <sup>2</sup>	9,540	20.7	15.0	20.5
Phantom Valley	Upper Colorado	9,030	9.4	5.9	8.2
Stillwater Creek	Upper Colorado	8,720	7	0.1	4.9
Willow Creek Pass	Willow Creek	9,540	16.2	10.2	12.5

<sup>1</sup> Median Snow Water Equivalent (1981-2010)

<sup>2</sup> SNOTEL stations are outside of, but near the basin.

### Notes:

- Fool Creek Station began data collection October 2011; there is not enough data to compute a median.
- High Lonesome Station began data collection October 2013; there is not enough data to compute a median.



# Snow Update

Based on Data from NRCS SNOTEL Sites

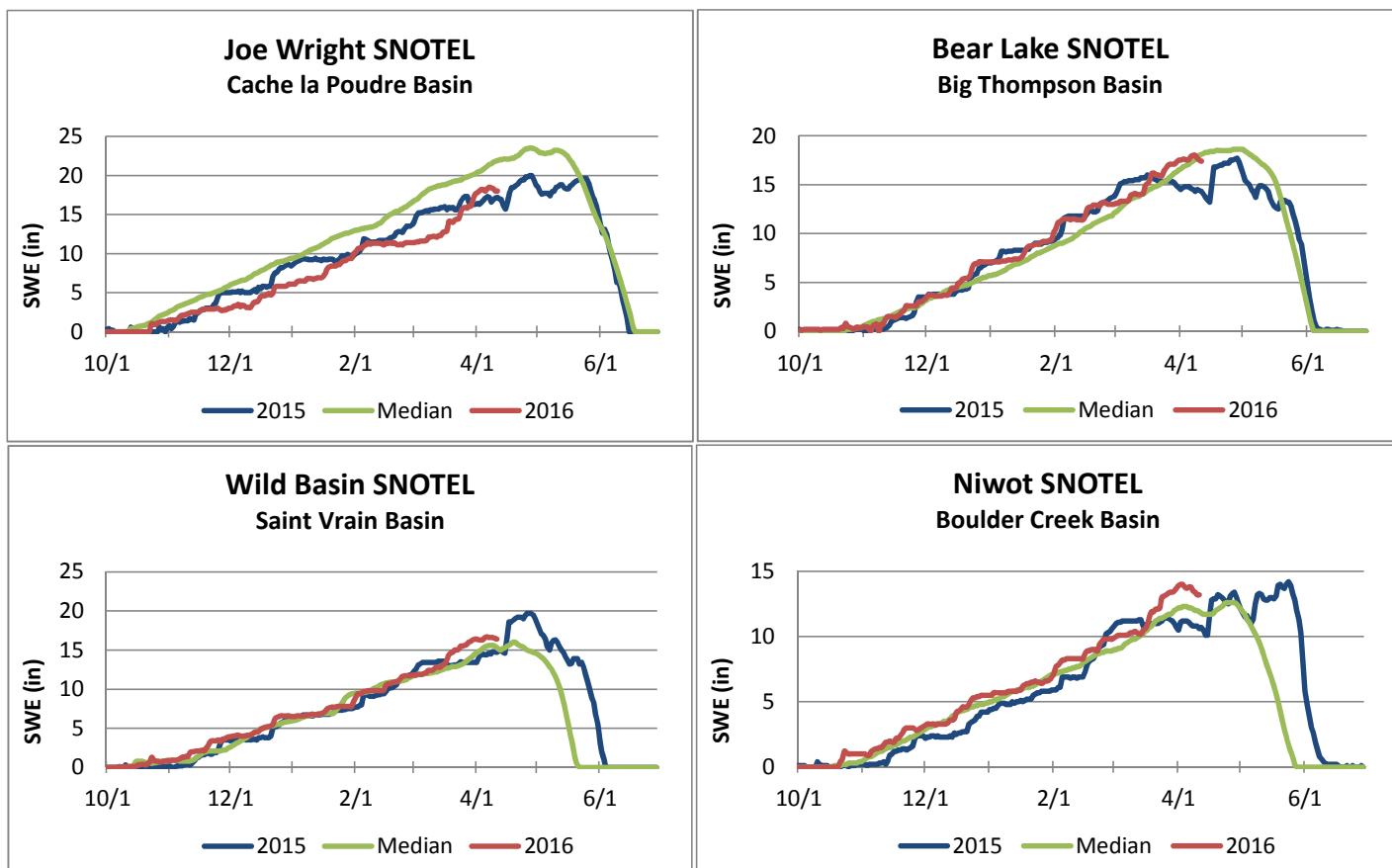
4/11/2016

South Platte River Basin					
Station Name	Basin	Elevation (ft)	Snow Water Equivalent (SWE)		
			Current (in)	Last Year (in)	Median (in) <sup>1</sup>
Bear Lake	Big Thompson	9,500	17.4	14.4	18
Copeland Lake	Saint Vrain	8,600	0.3	0.5	0.4
Deadman Hill	Cache la Poudre	10,220	20.9	16.1	16.5
Hourglass Lake	Cache la Poudre	9,380	13.6	10.9	--
Joe Wright	Cache la Poudre	10,120	18	17.1	21.8
Lake Eldora	Boulder Creek	9,700	11.6	8.7	11.5
Niwot	Boulder Creek	9,910	13.2	10.8	12
University Camp	Boulder Creek	10,300	17.4	15.3	16.7
Wild Basin	Saint Vrain	9,560	16.4	14.8	15.5
Willow Park	Big Thompson	10,700	19.1	14.3	18.6

<sup>1</sup> Median Snow Water Equivalent (1981-2010)

## Notes:

-Hourglass Lake Station began data collection October 2008; there is not enough data to compute a median.



# Attachment C

## Snowpack and Streamflow Comparisons April 1, 2016



### Snow Water Content

### % of Average

Colorado's Statewide Snowpack	97%
Upper Colorado River <sup>(1)</sup>	108%
South Platte Tributaries <sup>(2)</sup>	110%

### Snow-Water Content Comparisons (inches)

Watershed	April 1, 2016 Snow-Water Content			April 1 Comparative Snow-Water Content			
	2016	Average	% Avg	2015	2014	2013	2002
Blue River	14.5	13.9	104%	98%	138%	77%	69%
Upper Colorado River	16.1	15.2	106%	81%	141%	69%	64%
Willow Creek	11.2	10.2	110%	72%	122%	83%	68%
Fraser River	16.4	14.6	112%	83%	136%	80%	59%
Poudre River	14.7	13.7	107%	78%	132%	75%	65%
Big Thompson River	15.2	14.3	106%	88%	148%	57%	62%
St. Vrain River	11.8	10.8	109%	91%	157%	64%	49%
Boulder Creek	13.3	11.4	117%	89%	152%	72%	56%

### Apr-Jul Maximum, Minimum and Most Probable Streamflow Forecasts (1000 af)

Watershed	Forecast Minimum	Most Probable	Forecast Maximum	Apr-Jul Avg <sup>(3)</sup>	Most Prob % Average
Blue River	231	295	367	275	107%
Upper Colorado River	170	221	279	220	100%
Willow Creek	38	53	72	47	113%
Fraser River	96	128	164	117	109%
Poudre River	150	217	315	225	96%
Big Thompson River	59	88	131	90	98%
St. Vrain River	57	86	130	88	98%
Boulder Creek	41	56	76	54	104%
South Platte Tributaries		447		457	98%

### Precipitation within District Boundaries <sup>(4)</sup>

	Totals	Average	% Average
March	1.45	1.10	132%
Nov-Mar	4.69	2.91	161%

(1) Includes the Colorado, Willow Creek, Fraser and Blue River Watersheds

(2) Includes the Poudre, Big Thompson, Saint Vrain and Boulder Creek Watersheds

(3) Average for the period 1981-2010

(4) Computed using CoCoRaHS and Northern Water Stations

