

Creation of a Fountain Creek Entity

The Fountain Creek Watershed, Flood Control and Greenway District




Overview

A COLLABORATIVE STAKEHOLDER PROCESS




- Fountain Creek Vision Task Force (Established in 2006)
- Funding Options Working Group
- Inclusive Process:
 - Intergovernmental Agreement (IGA)
 - Legislatively Created Entity by 2009 to incorporate legislative calendar

Fountain Creek Vision Task Force

A Facilitated Process

- July 2006: Convened by El Paso County Commissioners Sallie Clark and Dennis Hisey
- August 2006: Second meeting in Pueblo County by former Commissioner Loretta Kennedy & Commissioner Jeff Chostner
 - Created Consensus Committee (Decision Making)
 - Created Working Groups (Water Quality, Quantity, Land Use Environment)
 - Created Task Force (Presentations/Information Gathering)
 - Diverse Group of Stakeholder Interests
- Committee and Working Groups met monthly for over two years
- Task Force Strategic Plan completed in December 2008
- IGA's established for initial board and legislation (Statutory Authority) in process by Rep. Looer and Sen. Tapia
- Task Force Facilitation funded by: Counties, municipalities, individuals, organizations, Arkansas Basin Roundtable and Colorado Water Conservation Board




Fountain Creek Vision Task Force Strategies, Plan and Goals

Water Quality
Improved public health, improved human experiences (sight, sound, smell, etc.), protect water quality, maintain good irrigation water


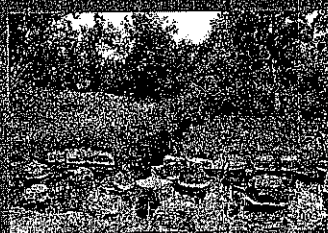
Water Quantity
Recognition of stormwater and drainage as a resource; preserve natural channel capacity and drainage ways, predictability in flows and channel stability, efficiency in stormwater management, stable base flows/stream system, flood control

Land Use and the Environment
Watershed as an asset and amenity, greenway connector between communities, provide recreational and community opportunities (multi-modal); protect, preserve, enhance agriculture as cultural heritage and quality of life; protect wildlife and as an indicator of ecosystem health, maintain view shed



Funding Options Working Group

- Established in July 2007
- Reviewed multiple districts, formats and structures statewide and from other states
- Field trips to visit Urban Drainage District projects in Denver area
- District will be eligible for federal, state & other grants
- Any taxing authority would require voter approval

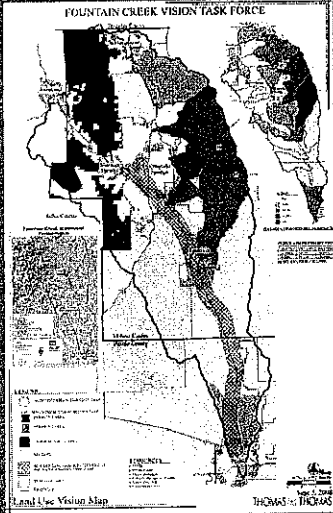


Fountain Creek Consensus Committee Participants

<p>El Paso County (elected) Pueblo County (elected) City of Colorado Springs (elected) Town of Palmer Lake (representative) City of Pueblo (elected) City of Pueblo residents (Colorado Progressive Coalition) Colorado Open Lands (open space rep) Colorado Springs Utilities Colorado State Parks Congressman Doug Lamborn Congressman John Salazar Department of Defense/Military El Paso County property owners (agriculture)</p>	<p>El Paso County Water Authority Pikes Peak Area Council of Governments (elected) Senator Wayne Allard Senator Ken Salazar Fountain Utilities Lower Ark. Valley Water Conservation District Pikes Peak Area Council of Governments (staff) Pueblo Area Council of Governments (elected) Pueblo Board of Water Works Pueblo County property owners (agriculture) Sierra Club (environmental representative) Technical Advisory Committee Teller County and Manitou Springs (invited)</p>
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Why an Inter-governmental Agreement?

- Governance Considerations
 - What is fair and equitable?
 - How are priorities determined?
 - Role of technical experts?
 - Role of citizens and stakeholders?
 - Participation by elected officials?
- Inclusive Stakeholders
 - Elected Officials
 - Large and Small Communities
 - Diverse Interests
 - Citizen Participation and Technical Expertise





Purpose of the IGA

- Establish Governance Board for advocacy and improvements to entire Fountain Creek Watershed for today and beyond
- Preserve institutional knowledge of Working Groups, Consensus Committee and Task Force
- Determine authority and scope of potential projects and funding sources
- Manageable board size, project balance and participation, representation from both small and large communities



Parity of Representation

Board Members Chosen
By Interests, Not Geography

1. El Paso County *
2. City of Colorado Springs*
3. City of Fountain *
4. Small Municipalities *or a Citizen of El Paso County

1. Pueblo County*
2. City of Pueblo*
3. Citizen of Pueblo County
4. Lower Arkansas Valley Water Conservancy District or Citizen

Citizen from the
Citizens Advisory
Group

Elected Official*

9-Member Potential Board of Elected Officials or Appointees



- Policy and funding decisions by super-majority
- Administrative decisions by simple majority

*Board Members Present	3	4	5	6	7	8	9
Votes Needed for Approval	2	3	4	4	5	6	7

**Table: Voting Requirements for Super-Majority Voting: Appointed Members of Board as Current Signatories to the IGA
(bylaws will address quorum and voting requirements)*

Draft Statutory Language

(Exhibit A in the IGA)

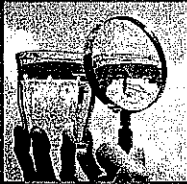
Currently drafting language for statutory authority to create district

Have incorporated specific needs to Fountain Creek and input from IGA Governing Board

Is consistent with Constitutional and current laws (TABOR)



Technical Advisory Committee (Exhibit B in the IGA)



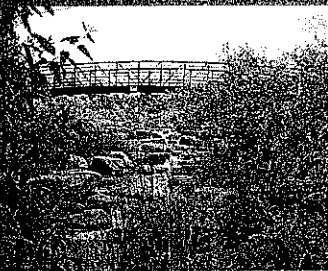
Purpose

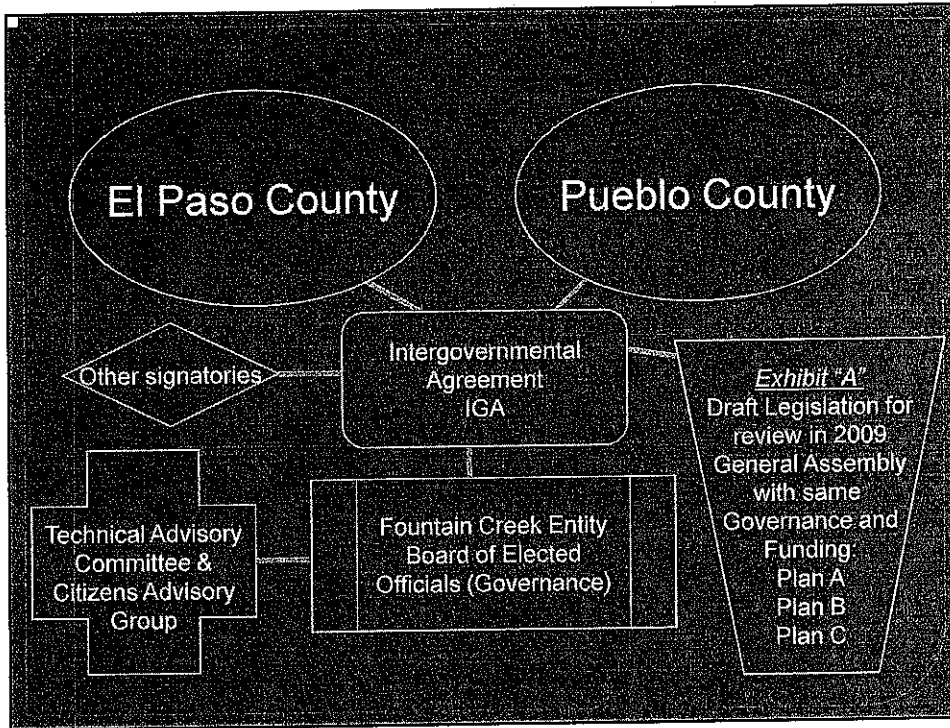
- Provide technical advice and input on all watershed activities
- Retain experience of nine years of the Fountain Creek Watershed TAC



Citizens' Advisory Group (Exhibit C in the IGA)

- Important voice of the community
- One CAG member serves on Governing Board requiring elected official approval





IGA Timeline

Signatories to IGA:

- El Paso County Dec. 15
- Pueblo County Dec. 16

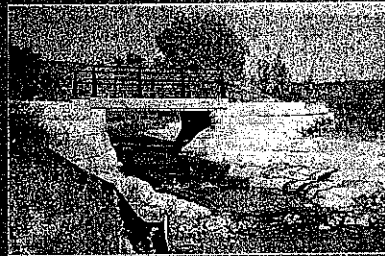
Additional Signatories

- City Councils: Colorado Springs, Pueblo, Manitou Springs, Fountain, Monument, Green Mountain Falls, Palmer Lake, Lower Arkansas Valley Water Conservancy District

Timeline of Signatories

Oct-08 Nov-08 Dec-08 Jan-09 Feb-09 Mar-09

(Timeline details are obscured by a watermark)



IGA Timeline

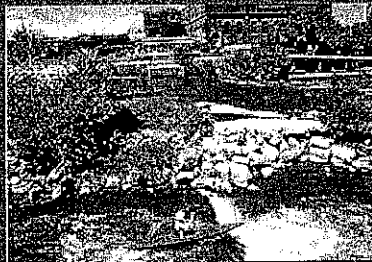
EXHIBIT A - COLORADO REVISED STATUTES TITLE 32 SPECIAL DISTRICTS (Initial Draft Only)

Article 11. Urban Drainage and Flood Control Act,
32-11-101 to 32-11-817

32-11-101 to 32-11-817 Edited and a new Part 11.5, 32-
11.5-101 et seq., specific to Fountain Creek Watershed
which shall be known and may be cited as the
"Fountain Creek Watershed, Flood
Control, and Greenway District."

Why a Legislatively Created Entity?

- Fountain Creek crosses multiple jurisdictions (similar to our own PPRTA - transportation authority)
- As a subdivision of the State, entity is an independent advocate



Why a Legislatively Created Entity?

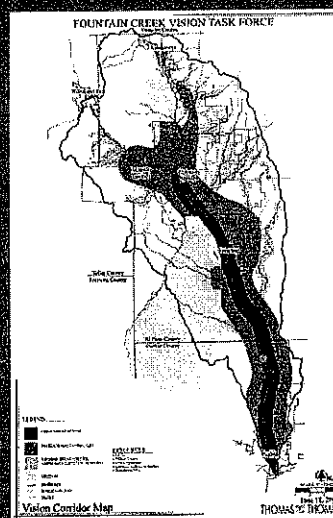
- Best model reviewed was Urban Drainage District and Greenway Foundation
- Public entity to interface with and receive dollars from other government agencies
- Non-profit to work with landowners and prospective donors



Jurisdiction

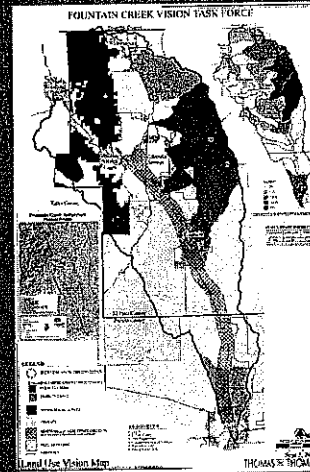
Authority:

- 100-year floodplain between El Paso & Pueblo Counties (South of Fountain and Pueblo)
- Local land use authority maintained by cities/towns
- **Interface:** All drainages
- **Cooperation:** Entire watershed
- **Funding:** Responsibility of both El Paso & Pueblo Counties



Next Steps

- Execution of IGA
 - El Paso & Pueblo Counties
 - Other signatories
- Legislative process
- Governing Board has met
 - Forming Citizens' Advisory Committee
 - Mobilizing Technical Advisory Committee



"Stop thinking in terms of limitations and start thinking in terms of possibilities."

Terry Josephson

Questions?



For More Information: <http://fountain-crk.org>