

STATE OF COLORADO

Colorado Water Conservation Board Department of Natural Resources

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SUMMARY MINUTES AND RECORD OF DECISIONS May 19-20, 2009 Final and Approved July 21, 2009

Bill Ritter, Jr.
Governor

Harris D. Sherman
DNR Executive
Director

Jennifer L. Gimbel
CWCB Director

Dan McAuliffe
CWCB Deputy
Director

A regular meeting of the Colorado Water Conservation Board (CWCB) was convened at Pueblo Convention Center, 320 Central Main Street, Pueblo, CO 81003. The meeting was called to order by Chair, Travis Smith. Nine voting members were present at the call to order, so a quorum was present (at least 6 required). Voting members present were Chair Travis Smith, Vice Chair Geoff Blakeslee, Carl Trick, Bruce Whitehead, John McClow, John Redifer, Reed Dils, Eric Wilkinson, and Barbara Biggs. Harris Sherman arrived after the call to order. Non-voting, *Ex-Officio* members present or represented were CWCB Director Jennifer Gimbel, the State Engineer, Dick Wolfe, Senior Assistant Attorney General Patrick Kowaleski, and Alex Davis, Assistant Director of Water for the Department of Natural Resources.

Note: While the Board's consideration of agenda items does not always follow the sequence indicated by the agenda numbers, these minutes are listed in agenda item order for easier reference.

Tuesday, May 19, 2009
Call to Order 10:15 a.m.

1. Election of Officers and Swear in New and Returning Board Members

Tape 1, Track 1 00:00:00 - 00:08:24

Action: Senior Assistant Attorney General Patrick Kowaleski swore in new member John McClow, and returning members Carl Trick and Eric Wilkinson. A motion was then made by Eric Wilkinson and seconded by Barbara Biggs to elect Geoff Blakeslee as the new Board Chair. The motion was approved unanimously (9-0). A motion was made by John Redifer and seconded by Bruce Whitehead to elect Eric Wilkinson as Vice Chair. The motion was approved unanimously (9-0).

*A complete record of the meeting has been made in electronic form using an MP2 format. The recording and the associated written materials are the only legal record of the meeting. These written summaries are intended only as an aid to research and a guide to the tapes. The motions described herein may not represent a verbatim transcription. Agenda items are presented in numerical order, according to the Agenda for the meeting. Disk numbers and approximate locations are identified for the beginning and end of each agenda item. The complete record of this meeting is available at the CWCB during regular office hours. Arrangements to make copies of the tapes or written transcripts of specific agenda items may be produced at the requestor's expense. Notes from the meeting for identification of times and tapes for specific agenda items can also be reviewed at the CWCB offices. Voting tallies are based on members present for voting. Members recusing themselves are identified. Board members occasionally leave the meeting, but the original meeting notes typically indicate whether or not a particular

Board Member was present during a specific agenda item.

2. Review and Approval of Agenda

Tape 1, Track 1 00:08:25 - 00:10:22

Action: A motion was made by Travis Smith and seconded by Barbara Biggs to approve the May 2009 Agenda, moving Agenda Item #8 to an earlier time slot, moving #17a to after lunch, and removing Agenda Item 17e. The motion was approved unanimously (10-0).

3. Review and Approval of Meeting Minutes for the March 17-18, 2009 meeting

Tape 1, Track 1 00:10:23 - 00:14:10

Action: A motion was made by Eric Wilkinson and seconded by Reed Dils to approve the March 17-18, 2009 Meeting Minutes. John McClow abstained from this motion. The motion was approved unanimously (9-0).

4. Approve and/or Remove Items from Consent Agenda

Tape 1, Track 1 00:14:15 - 00:14:58

Action: A motion was made by Travis Smith and seconded by Eric Wilkinson to approve the Consent Agenda Items. The motion was approved unanimously (9-0).

5. Future Board Meeting Dates

Tape 1, Track 1 00:14:59 - 00:19:34

- a. May 19-20, 2009 Cambria Suites/Pueblo Convention Center, Pueblo
- b. July 21-22, 2009 The Elevation Hotel, Crested Butte (in connection with The Colorado Water Workshop)
- c. September 15-16, 2009 Steamboat Springs Grand/Steamboat Springs
- d. November 17-18, 2009 The Marriott, Denver South, Littleton

Action: A motion was made by Bruce Whitehead and seconded by Carl Trick to approve the Board Meeting dates as listed. The Upper Gunnison River Water Conservancy District will hold a reception Monday evening, July 20, 2009 for the CWCB, and the CWCB will host a reception for Keith Catlin on Tuesday, July 21, 2009, following the board meeting. The motion was approved unanimously (9-0).

6. Stream and Lake Protection Section - Uncontested 2009 Instream Flow Appropriations

Tape 1, Track 1 00:58:06 - 02:01:20

Action: A motion was made by Harris Sherman and seconded by Reed Dils to approve staff recommendation that the Board make the following determinations and take the following actions on each of the appropriations, based on the information contained in the board memo as well as the information presented by staff both in writing and orally at the January 27, 2009 Board meeting.

- (1) Determine, pursuant to section 37-92-102(3), C.R.S., and based on the recommendations of the BLM, DOW, and/or TU, a review of the data and other information presented by staff in the board memo and orally, that:
 - (a) There is a natural environment that can be preserved to a reasonable degree with the recommended water rights, if granted;
 - (b) Water is available in each stream for appropriation;
 - (c) The natural environment will be preserved to a reasonable degree by the water available for the recommended appropriations; and
 - (d) Such natural environment can exist without material injury to water rights;
- (2) Pursuant to ISF Rule 5f., establish January 27, 2009 as the appropriation date for these instream flow water rights; and

(3) Direct staff to request the Attorney General's Office to file the necessary water rights applications.

The motion was approved unanimously (10-0), with the following amendments: The dates delineating the different flow periods will be changed showing the modification at the Maxwell Creek application to reflect 3.3 cfs for the period 6/1-7/27 and 1.5 cfs for the period 7/29 -9/30.

7. Stream and Lake Protection Section - Contested 2009 Instream Flow Appropriations - Water Division 2

Tape 1, Track 1 03:13:31 - 03:18:28

Action: A motion was made by Carl Trick and seconded by John Redifer to approve staff recommendation that the Board designate Casey Shpall as the Hearing Officer. Staff also recommends that the Board set the hearing in conjunction with the September Board meeting, and the CWCB Board authorize the hearing officer to modify the pre-hearing deadlines as necessary to allow staff sufficient time to try to address Huerfano County's concerns. The motion was approved unanimously (9-0).

8. Stream and Lake Protection Section - Roaring Fork River Basin Proposed Water Acquisition from Pitkin County

Tape 1, Track 1 00:19:35 - 00:24:01

Action: A motion was made by Reed Dils and seconded by John Redifer to approve staff recommendation that the Board reschedule the hearing on this proposed acquisition to be held in conjunction with the November 2009 Board meeting. The motion was amended by Bruce Whitehead that included the stipulation that both the Basalt Water Conservancy District and the Starwood Metropolitan District should also be in favor of rescheduling the hearing. The motion was approved unanimously (9-0).

9. Attorney General's Report, Legal Briefing and Executive Session – *This is a briefing on legal issues contained in the Attorney General's written report and on items listed below that the Board may refer for discussion in an Executive Session based upon attorney client privilege.*

Executive Session Items

- a. Case No. 6-06CW061 and 06CW072; Application of Upper Yampa Water Conservancy District
- b. Case No. 5-08CW073; Town of Breckenridge

Tape 1, Track 1 02:53:09 - 02:54:27

Action: A motion was made by Eric Wilkinson and seconded by Reed Dils to go into Executive Session. The motion was approved unanimously (9-0).

A motion was made by Eric Wilkinson and seconded by John Redifer to go out of Executive Session. The motion was approved unanimously (10-0).

10. Report from Executive Session

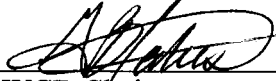
Tape 1, Track 1 02:54:28 - 02:55:16

Action: Based upon the recommendation from Patrick Kowaleski, Senior Assistant Attorney General, the discussion of Agenda Items 9a and 9b were not recorded pursuant to C.R.S. Section 24-6-402(2)(d.5)(I)(B) because those portions of the Executive Session constituted privileged attorney-client communications.



CWCB Attorney

The portion of the Executive Session on Agenda Items 9a and 9b that were not recorded were confined to the topics authorized for discussion in an Executive Session under C.R.S. section 24-6-403(3)(a)(II)



CWCB Chair

Executive Session Items

11. Stream and Lake Protection Section - Potential Lease of Horn Ranch Water Rights

Tape 1, Track 1 00:24:02 - 00:58:05

Action: Information item only. No action was required by the Board.

12. Stream and Lake Protection Section - Proposed Amendment to Hat Creek Ditch Donation and Acquisition Agreement

Tape 1, Track 1 03:18:29 - 03:31:03

Action: A motion was made by Reed Dils and seconded by Barbara Biggs to approve staff recommendation that the Board approve the First Amendment to Donation and Acquisition Agreement and Correction Deed with the Trust and authorize the CWCB Director to execute the Amendment and Deed on behalf of the Board. The motion was approved unanimously (9-0).

13. Intrastate Water Management & Development Section - Arkansas River Basin Presentation

Tape 1, Track 1 03:58:56 - 04:23:22

Action: Information item only. No action was required by the Board.

14. Intrastate Water Management & Development Section - Southern Delivery System (SDS) Presentation

Tape 1, Track 1 03:31:04 - 03:58:55

Action: Information item only. No action was required by the Board.

15. Water Supply Planning and Finance Section - Financial Matters - New Loan Lending Rate Structure for FY 2010

Tape 1, Track 2 00:00:00 - 00:06:12

Action: A motion was made by Carl Trick and seconded by Eric Wilkinson to approve staff recommendation that the Board adopt the schedule of 30-year lending rates based on "an adjusted" Board approved Financial Policy #7, as shown in Table 1 of the Board memo, for all loans recommended to the General Assembly or approved by the Board from July 1, 2009 through June 30, 2010. The motion further recognizes that the Board is varying from Financial Policy #7 for the next fiscal year. The motion was approved unanimously (8-0).

16. Water Supply Planning and Finance Section – Revisions to Existing Loans - Dolores Water Conservancy District - WETPAK Project De-Authorization

Tape 1, Track 2 00:06:13 - 00:10:31

Action: A motion was made by Carl Trick and seconded by Bruce Whitehead to approve staff recommendation that the Board de-authorize the remaining funds, \$3,323,180, in the Dolores Water Conservancy District, loan contract #C-150193, including all amendments, and return the funds to the Severance Tax Trust Fund Perpetual Base Account. The motion was approved unanimously (8-0).

17. Water Supply Planning and Finance Section – New Project Loans

a. Town of Gypsum - L.E.D.E. Ditch and Reservoir Upgrade

Tape 1, Track 1 02:55:17 - 03:13:17

Action: A motion was made by Carl Trick and seconded by John Redifer to approve staff recommendation that the Board approve a loan not to exceed \$2,689,731 (\$2,663,100 for project costs and \$26,631 for the 1% Loan Service Fee) to the Town of Gypsum, acting by and through its Water Enterprise, for the LEDE Ditch & Reservoir Upgrade Project from the Construction Fund. The loan terms shall be a High Income Municipal interest rate of 4.5% per annum for 30 years. In the event the town prefers a shorter term loan (20 or 10 years), staff shall review the request and make recommendation to the Director. The Board authorizes the CWCB Director to approve the new terms and report the loan revisions to the Board in the Director's Report at the next Board meeting. Security for the loan shall be in compliance with CWCB Financial Policy No. 5. Loan approval will be conditioned upon CWCB receiving parity with all current debt that is secured by the Town's water activity enterprise revenues. The motion was approved unanimously (9-0).

b. Town of Dillon - Old Dillon Reservoir Enlargement

Tape 1, Track 2 00:10:32 - 00:30:20

Action: A motion was made by Carl Trick and seconded by Bruce Whitehead to approve staff recommendation that the Board approve a loan not to exceed \$1,515,000 (\$1,500,000 for project costs and \$15,000 for the 1% Loan Service Fee) to the Town of Dillon, acting by and through its water activity enterprise, for the Old Dillon Reservoir Enlargement Project from the Construction Fund. The loan terms shall be an interest rate of 4.0% per annum for 30 years. Security for the loan shall be in compliance with Financial Policy No. 5. Loan approval shall be conditioned upon CWCB receiving parity with all current debt that is secured by the Town's water activity enterprise revenues. The motion was amended to include that money will not be forwarded nor will construction begin until an authority and an operating agreement has been reached by Summit County, the Town of Silverthorne, and the Town of Dillon. The motion was approved unanimously (8-0).

c. Joseph W. Bowles Reservoir Company - Bowles No. 1 Dam Rehabilitation

Tape 1, Track 2 00:30:21 - 00:37:22

Action: A motion was made by Eric Wilkinson and seconded by Carl Trick to approve staff recommendation that the Board approve a loan not to exceed \$1,703,870 (\$1,687,000 for project costs and \$16,870 for the 1% Loan Service Fee) to the Joseph W. Bowles Reservoir Company to construct its Bowles No. 1 Dam Rehabilitation Project from the Construction Fund. The loan terms shall be 30 years at a blended interest rate of 4.65% per annum. Security for the loan shall be in compliance with CWCB Financial Policy No. 5. The motion was approved unanimously (8-0).

d. North Sterling Irrigation District - Dam and Spillway Improvement

Tape 1, Track 2 00:37:23 - 00:42:32

Action: A motion was made by Eric Wilkinson and seconded by Travis Smith to approve staff recommendation that the Board approve a loan not to exceed \$1,094,840 (\$1,084,000 for

project costs and \$10,840 for the 1% Loan Service Fee) to the North Sterling Irrigation District to construct its Dam and Spillway Improvement Project from the Construction Fund. The loan terms shall be 20 years at the agricultural interest rate of 2.25% per annum. Security for the loan shall be in compliance with CWCB Financial Policy No. 5. Staff further recommends an additional approval condition requiring the District to hold an election to obtain voter approval of the debt service prior to contracting with the CWCB. The motion was approved unanimously (8-0).

e. Thomas S. Whiting - Whiting Reservoir #1 - This application has been withdrawn.

f. Snowmass Water & Sanitation District - Ziegler Reservoir Water Management System

Tape 1, Track 2 00:42:33 - 00:50:46

Action: A motion was made by John Redifer and seconded by John McClow to approve staff recommendation that the Board approve a loan not to exceed \$1,952,805 (\$1,933,470 for project costs and \$19,335 for the 1% Loan Service Fee) to the Snowmass Water & Sanitation District, acting by and through its water activity enterprise, for the Ziegler Reservoir Water Management System from the Construction Fund Account. The loan terms shall be an interest rate of 4.25% per annum for 20 years. Security for the loan shall be in compliance with CWCB Financial Policy No. 5. The motion was approved unanimously (8-0).

g. Riverside Reservoir and Land Company - Spillway Project

Tape 1, Track 2 00:50:47 - 00:56:44

Action: A motion was made by Eric Wilkinson and seconded by Carl Trick to approve staff recommendation that the Board approve a loan not to exceed \$2,838,100 (\$2,810,000 for project costs and \$28,100 for the 1% Loan Service Fee) to the Riverside Reservoir and Land Company to construct its Spillway Project from the Severance Tax Trust Fund Perpetual Base Account. The loan terms shall be 30 years at the agricultural interest rate of 2.5% per annum. Security for the loan shall be in compliance with CWCB Financial Policy No. 5. The motion was approved unanimously (7-0).

h. Huerfano Cucharas Irrigation Company - Cucharas Reservoir Rehabilitation

Tape 1, Track 2 00:56:45 - 01:03:30

Action: A motion was made by Bruce Whitehead and seconded by Reed Dils to approve staff recommendation that the Board approve a loan not to exceed \$1,622,060 (\$1,606,000 for project costs and \$16,060 for the 1% Loan Service Fee) to the Huerfano-Cucharas Irrigation Company for its Cucharas Reservoir Rehabilitation Project from the Severance Tax Trust Fund Perpetual Base Account. The loan terms shall be 30 years at the agricultural interest rate of 2.5% per annum. Security for the loan shall be in compliance with CWCB Financial Policy No. 5. The CWCB will not disburse funds until the SEO has approved the project. The motion was approved unanimously (7-0).

RECESSED 4:45 p.m.

Wednesday, May 20, 2009

Call to Order 8:20 a.m.

A regular meeting of the Colorado Water Conservation Board (CWCB) was convened at Pueblo Convention Center, 320 Central Main Street, Pueblo, CO 81003. The meeting was called to

order by Chair, Geoff Blakeslee. Seven voting members were present at the call to order, so a quorum was present (at least 6 required). Voting members present were Chair Geoff Blakeslee, Vice Chair Eric Wilkinson, Carl Trick, Bruce Whitehead, John McClow, Reed Dils, and Travis Smith. Non-voting, *Ex-Officio* members present or represented were CWCB Director Jennifer Gimbel, the State Engineer, Dick Wolfe, Senior Assistant Attorney General Patrick Kowaleski, Division of Wildlife Director Tom Remington, Jim Miller representing the Agricultural Commission, and Alex Davis, Assistant Director of Water for the Department of Natural Resources.

18. Directors' Report

a. DNR Executive Director - Alex Davis Reporting for Harris Sherman
Tape 1, Track 3 00:37:59 - 00:47:25

Action: Information item only. No action was required by the Board.

b. IBCC Director
Action: No report on this item

c. Agriculture Commissioner
Tape 1, Track 3 00:00:00 - 00:01:19 - Jim Miller Reporting for John Stulp
Action: Information item only. No action was required by the Board.

d. CWCB Director - Jennifer Gimbel Reporting
Tape 1, Track 3 00:01:20 - 00:12:00
Action: Information item only. No action was required by the Board.

e. State Engineer - Dick Wolfe Reporting
Tape 1, Track 3 00:12:01 - 00:21:00
Action: Information item only. No action was required by the Board.

f. Division of Wildlife - Tom Remington Reporting
Tape 1, Track 3 00:21:01 - 00:29:50
Action: Information item only. No action was required by the Board.

g. Water Resource and Power Development Authority - Dan Law Reporting
Tape 1, Track 3 00:29:51 - 00:37:58
Action: Information item only. No action was required by the Board.

19. Watershed Protection and Flood Mitigation Section - Initiation of Revisions to CWCB Floodplain Rules and Regulations

Tape 1, Track 3 00:47:26 - 02:12:45
Action: Information item only. No action was required by the Board.

20. Basin Director Report

a. Colorado River (Mainstem) Basin Director Report
Action: No report on this item.

b. Yampa-White River Basin Director Report – Chair Geoff Blakeslee Reporting
Tape 1, Track 3 02:36:25– 02:39:59
Action: Information item only. No action was required by the Board.

c. San Juan/San Miguel-Dolores River Basin - Bruce Whitehead Reporting
Tape 1, Track 3 02:40:00 – 03:02:42
Action: Information item only. No action was required by the Board.

d. Gunnison River Basin – John McClow Reporting
Tape 1, Track 3 03:02:43– 03:09:19
Action: Information item only. No action was required by the Board.

e. Basin Director Report – North Platte River Basin Director Report – Carl Trick Reporting
Tape 1, Track 3 03:09:20 – 03:11:41
Action: Information item only. No action was required by the Board.

f. South Platte River Basin Director Report – Vice Chair Eric Wilkinson Reporting
Tape 1, Track 3 03:11:42 – 03:19:11
Action: Information item only. No action was required by the Board.

g. Arkansas River Basin Director Report – Reed Dils Reporting
Tape 1, Track 3 03:19:12 – 03:23:32
Action: Information item only. No action was required by the Board.

h. City and County of Denver Director Report – Barbara Biggs Reporting
Action: No report on this item.

i. Rio Grande River Basin Director Report – Travis Smith Reporting
Tape 1, Track 3 03:23:33 – 03:30:43
Action: Information item only. No action was required by the Board.

21. Intrastate Water Management & Development Section - Water Supply Reserve Account Grant Applications

a. Lower Arkansas Valley Water Conservancy District - John Martin Wetlands and Neenoshe Reservoir Nonconsumptive Needs Quantification
Tape 1, Track 4 00:00:00 - 00:09:35
Action: A motion was made by Reed Dils and seconded by Bruce Whitehead to approve staff recommendation that the Board fund up to \$148,975 from the Arkansas Basin Account to enable the completion of the Arkansas Basin's Nonconsumptive Needs Assessment, contingent upon the resolution of the items in the issues/additional needs section of the Board memo. The motion was approved unanimously (7-0).

b. City of Ouray - Development of Augmentation Supplies
Tape 1, Track 4 00:09:36 - 00:13:35
Action: A motion was made by John McClow and seconded by Reed Dils to approve staff recommendation that the Board fund up to \$50,000 from the Gunnison Basin Account for technical assistance regarding design, cost estimates, and permitting associated with enlargement of its municipal reservoir and rehabilitation of the associated diversion structure, contingent upon the resolution of the items in the issues/additional needs section of the Board memo. The motion was approved unanimously (7-0).

- c. Painted Sky Resource Conservation and Development Council, Inc. - Hartland Diversion Dam Fish Passage Feasibility Study

Tape 1, Track 3 03:30:54 - 03:50:10

Action: A motion was made by John McCLOW and seconded by Reed Dils to approve staff recommendation that the Board waive the application deadline requirement and fund up to \$22,100 from the Gunnison Basin Account for the Hartland Diversion Dam Fish Passage Feasibility Study, contingent upon the resolution of the items in the issues/additional needs section of the Board memo. The motion was approved unanimously (7-0).

- d. El Codo Ditch Company - El Codo Ditch Diversion and Rehabilitation

Tape 1, Track 3 03:50:11 - 03:57:00

Action: A motion was made by Travis Smith and seconded by John McCLOW to approve staff recommendation that the Board fund up to \$65,000 from the Rio Grande Basin Account to partially fund the El Codo Ditch Diversion Rehabilitation for the El Codo Ditch Company, contingent upon the resolution of the items in the issues/additional needs section of the Board memo. The motion was approved unanimously (7-0).

- e. Red Mesa Reservoir and Ditch Company - Red Mesa Dam & Reservoir - Incremental Damage Analysis (IDA) & Emergency Action Plan (EAP)

Tape 1, Track 4 00:13:26 - 00:17:44

Action: A motion was made by Bruce Whitehead and seconded by Eric Wilkinson to approve staff recommendation that the Board fund up to \$29,000 from the Southwest Basin Account to partially fund the Red Mesa Dam & Reservoir - Incremental Damage Analysis (IDA) & Emergency Action Plan (EAP) for the Red Mesa Reservoir & Ditch Company, contingent upon the resolution of the items in the issues/additional needs section of the Board memo. The motion was approved unanimously (7-0).

- 22. Water Supply Protection Section - Tamarisk Control Cost Sharing Grant Program - Transmittal of Grant Applications

Tape 1, Track 4 00:36:11 - 01:03:29

Action: A motion was made by Reed Dils and seconded by John McCLOW to approve staff recommendation that the Board approve the slate of projects and funding levels recommended by the evaluation team, and further authorize staff to offer grant awards at the levels recommended or as modified by the Board, and as may be necessary to negotiate with the awardees as to final scope, budget, and agreement amounts. If any funds remain based on further negotiations and/or awardees declining to accept the offered amount, staff will return to the Board at the July 2009 meeting for further instructions. The Board amended the recommendation stating that the City of Grand Junction will not receive any funds until their Conservation Plan is submitted. Geoff Blakeslee recused himself from discussion and the motion of this item. The motion was approved unanimously (6-0).

- 23. Intrastate Water Management and Development Section - Presentation by Jeff Crane of the Colorado Watershed Assembly, on three WSRA Projects: The New Pioneer Ditch, The Paonia Ditch, and The Hartland Diversion

Tape 1, Track 4 00:17:45 - 00:36:10

Action: Information item only. No action was required by the Board.

24. State Engineer's Office - Steve Witte of Division 2 Reporting

Tape 1, Track 4 01:03:30 - 01:29:42

Action: Information item only. No action was required by the Board.

25. Office of Water Conservation & Drought Planning Section - Presentation of the Colorado Foundation for Water Education FY10 Scope of Work

Tape 1, Track 4 01:29:43 – 01:51:27

Action: A motion was made by Travis Smith and seconded by Carl Trick to approve staff recommendation that the Board fund up to \$150,000 to the Colorado Foundation for Water Education's FY 2010 Scope of Work for Foundation operations, water education, and outreach programs. Staff recommendation was amended to include that the sub-task 1.5 focus on legislators and decision makers, and that the CWCB required that it be moved up in terms of the timeline. Originally it was scheduled to be completed June 2010. Also, the CWCB has asked the Foundation to provide the CWCB with 50 hard copies of every publication that they generate, for Board and staff use. The motion was approved unanimously (7-0).

26. 2009 State Legislative and Fiscal Decisions Update

Tape 1, Track 5 00:26:55 – 00:36:39

Action: Information item only. No action was required by the Board.

A motion was made by Carl Trick and seconded by Bruce Whitehead to adjourn the May 2009 Board meeting. The motion was approved unanimously (7-0).

ADJOURNED 3:00 p.m.