

AGENDA

Denver Board of Water Commissioners

Denver Water Board Room, 1600 W 12th Avenue, Denver, Co 80204 and

Video Conference: <http://zoom.us/join>, Meeting ID: 882 3417 6376 - Passcode: 600590 or

Dial in (669) 900-6833 - Meeting ID: 882 3417 6376 - Passcode: 600590

Members of the public are welcome to attend either in person or by video conference

Wednesday, June 12, 2024 – 9:00 a.m.

I. INTRODUCTORY BUSINESS

A. Call to Order and Determination of Quorum

B. Public Comment and Communications

At this point in the agenda, the Board may allow members of the public to address the Board on any item of interest within the jurisdiction of the Board, and not on the agenda for action. Speakers wishing to address a specific Action Item will be invited to address the Board when the item is being considered. Three minutes are allowed for each person unless the President determines otherwise.

1. Distributor Communications
2. Citizen Advisory Committee Communications

C. Ceremonies, Awards, and Introductions

| | | |
|--|--------------------|-------------------|
| D. 2024 Legislative Session Recap | Andrew Hill | 10 minutes |
|--|--------------------|-------------------|

II. ACTION ITEMS

A. Consent Items

Items listed below are considered routine and may be enacted by one motion and vote. If any Board member desires discussion beyond explanatory questions, or corrections to the Minutes, the President may order that item to be considered in a separate motion and vote.

1. Minutes from May 8, 2024
2. Minutes from May 22, 2024
3. 2024-2025 HVAC Improvements – Foothills Treatment Plant Chlorine Storage Building and Capitol Hill Decentralization Station – Contract 505771

Our vision is to sustain vibrant communities that value water for future generations.

Integrity :: Vision :: Passion :: Excellence :: Respect



B. Individual Approval Items

- | | | |
|---|---------------|------------|
| 1. Recycled Water Agreement between Denver Water and Fairmount Cemetery – Contract 506100 | Damian Higham | 10 minutes |
| 2. Extension of Two Forks Moratorium – Resolution #002-2024 | Nathan Elder | 5 minutes |

III. POLICY MATTERS

IV. EXECUTIVE UPDATE

A. CEO Update

B. CFO Update

C. Operations Update

V. BRIEFING PAPERS & REPORTS

A. Briefing Paper

1. 2024 Legislative Session Recap

B. Report

VI. ADJOURNMENT

VII. TRUSTEE MATTERS

I. ACTION ITEMS

1. Meeting as Trustee: Minutes from May 8, 2024 Trustee Meeting
2. Meeting as Trustee: Changes in Actuarial Assumptions and Methods for the Employees' Retirement Plan Paul Wood, GRS 10 minutes
3. Meeting as Trustee: Acceptance of Actuarial Valuation Report for the Employees' Retirement Plan Paul Wood, GRS 10 minutes
4. Meeting as Trustee: Funding Policy for the Employees' Retirement Plan Leila Kleats 5 minutes

II. INFORMATION ITEMS

1. Meeting as Trustee and/or Plan Sponsor: Retirement Program Due Diligence Report Leila Kleats 5 minutes
2. Meeting as Trustee: Q1 2024 Performance Report for the DB Plan - Segal Marco
3. Meeting as Plan Sponsor: Q1 2024 Performance Report for 401(k) Plan and 457 Plans - CAPTRUST
4. Meeting as Plan Sponsor: Q1 2024 Recordkeeper Reports - Plan Performance Insights for 401(k) Plan and 457 Plans - Empower

VIII. EXECUTIVE SESSION

The Board may adjourn the regular meeting and reconvene in executive session on topics authorized by D.R.M.C Sec. 2-34.

A. Confidential Report

DENVER BOARD OF WATER COMMISSIONERS

Meeting Date: June 12, 2024

Board Item: II-A-3

2024-2025 HVAC Improvements Foothills Treatment Plant Chlorine Storage Building and Capitol Hill Decentralization Station Contract 505771

Action by Consent

Individual Action

Purpose and Background:

The purpose of this Board item is to approve Contract 505771 to replace the heating, ventilation, and air conditioning (HVAC) systems at the Foothills Treatment Plant Chlorine Storage Building and the Capitol Hill Decentralization Station.

In 2019, Denver Water contracted with Tetra Tech, Inc. to perform a systemwide assessment to evaluate and prioritize updates to the HVAC systems across all major distribution facilities. The HVAC systems at the Foothills Treatment Plant and the Capitol Hill facility are next in priority in the annual HVAC Improvements Program, having been classified as in poor condition and highly critical for replacement during the assessment. Replacement of this HVAC equipment will maintain environmental conditions for the health and safety of workers around water treatment chemicals-at these facilities.

The work at these two locations was combined into a single contract to make bidding more attractive to contractors and realize efficiencies in construction.

Budget and Schedule:

The total amount of this contract is \$1,163,334 and the term of the contract is June 12, 2024 through May 14, 2025. Funds for this contract will come from the 2024 budget for 2024-2025 HVAC Improvements Project business unit, which has sufficient funds to pay the \$407,167 estimated to be needed in 2024. The remaining \$756,167 will be budgeted in 2025.

Selection of Business Partner:

Denver Water solicited bids from four general contractors listed on the prequalified contractors list under the HVAC discipline. This contract was a restricted bid process using invitations to bid on the QuestCDN platform. On May 21, 2024, bids were received from three contractors. Economy Air Conditioning & Heating, Inc. was selected based on the lowest cost bid.

S/MWBE Information:

The Small, Minority and Women-owned Business Enterprise goal established for this project is 5% participation. Economy Air Conditioning & Heating, Inc. has proposed 46% participation.

Our vision is to sustain vibrant communities that value water for future generations.

Integrity :: Vision :: Passion :: Excellence :: Respect



Recommendation:

Staff recommends that the Board approve Contract 505771 with Economy Air Conditioning & Heating, Inc. for the 2024-2025 HVAC Improvements Foothills Treatment Plant Chlorine Storage Building and Capitol Hill Decentralization Station project for the contract period June 12, 2024 through May 14, 2025 for a total contract amount not to exceed \$1,163,334.

Approvals

- | | |
|---|---|
| <input checked="" type="checkbox"/> Alan Salazar, CEO/Manager | <input type="checkbox"/> Brian D. Good, Chief Administrative Officer |
| <input type="checkbox"/> Julie Anderson, Chief of Staff | <input type="checkbox"/> Richard B. Marsicek, Chief Water Resource Strategy Officer |
| <input type="checkbox"/> Jessica R. Brody, General Counsel | <input checked="" type="checkbox"/> Robert J. Mahoney, Chief Engineering Officer |
| <input checked="" type="checkbox"/> Angela C. Bricmont, Chief Finance Officer | <input type="checkbox"/> Thomas J. Roode, Chief Operations Officer |

DENVER BOARD OF WATER COMMISSIONERS

Meeting Date: June 12, 2024

Board Item: II-B-1

Recycled Water Agreement between Denver Water and Fairmount Cemetery Contract 506100

Action by Consent

Individual Action

Purpose and Background:

The purpose of this Board item is to approve the Recycled Water Agreement (Agreement) between Denver Water and Fairmount Cemetery for delivery of up to 600 acre-feet per year of recycled water in perpetuity. The recycled water will be used for irrigation of Fairmount Cemetery as well as Congregation Emanuel, under a separate agreement to be negotiated between Fairmount and Congregation Emanuel.

Fairmount currently receives water under a September 27, 1983 Agreement (1983 Agreement) with Denver Water for delivery of irrigation water from the High Line Canal. Fairmount is currently the largest and most down ditch customer on the High Line Canal, making water deliveries to Fairmount challenging. This Agreement will terminate the 1983 Agreement, allowing Fairmount to be transitioned off the canal.

Fairmount also receives augmentation water from Denver Water under a January 5, 1988 Agreement, as modified by a September 5, 1990 Amendment. The augmentation water replaces groundwater depletions created by Fairmount's well field, which is used as a supplemental source for irrigation and filling Windsor Lake.

To deliver recycled water to Fairmount, Denver Water will need to construct a recycled water main extension. Additionally, Denver Water will need to construct new infrastructure at the cemetery to allow Fairmount to take delivery of recycled water and convert certain water features to potable water to comply with state requirements related to the use of recycled water. The infrastructure to be constructed at the cemetery is expected to be completed within two years, during which time Fairmount will continue to pay its current High Line assessment in exchange for water to be delivered via a fire hydrant, which eliminates the need for Denver Water to run the canal. In 2026, Fairmount will begin to pay the standard rates for recycled water. Fairmount will rely on potable water for approximately six years until the recycled water main extension is complete.

Additionally, Fairmount must make several modifications to its irrigation system to use recycled water. Denver Water will pay Fairmount \$212,600 to cover the costs of the conversions, as well as for salinity mitigation measures to prepare conifers at the Cemetery for the transition to recycled water.

Finally, Denver Water will not assess system development charges for the recycled water tap or the 2-inch potable water tap for use at Fairmount's fountain.

Budget and Schedule:

2024 Budget Impact:

Funds for this contract will come from the Water Resources Planning business unit, which does not have budgeted funds to pay the \$212,600 estimated to be needed in 2024. This amount will be a variance to the 2024 budget for Water Resource Planning. The term of the contract is perpetual beginning from the date the Agreement is fully signed.

Our vision is to sustain vibrant communities that value water for future generations.

Integrity :: Vision :: Passion :: Excellence :: Respect



The future commitments of funds from this agreement:

In addition, this Agreement will require that the Board expend an estimated \$1 million between 2024 through 2026 to construct infrastructure at the Cemetery and an estimated \$6.5 million between 2030 through 2031 to construct the recycled water main extension. These funds will be budgeted in future years and future contracts will be brought to the Board separately.

Recommendation:

Staff recommends that the Board approve Agreement 506100 with Fairmount Cemetery for the perpetual lease of recycled water for \$212,600 among other additional costs to be incurred by Denver Water for the construction of necessary infrastructure.

Approvals

- | | |
|---|--|
| <input checked="" type="checkbox"/> Alan Salazar, CEO/Manager | <input type="checkbox"/> Brian D. Good, Chief Administrative Officer |
| <input type="checkbox"/> Julie Anderson, Chief of Staff | <input checked="" type="checkbox"/> Richard B. Marsicek, Chief Water Resource Strategy Officer |
| <input type="checkbox"/> Jessica R. Brody, General Counsel | <input type="checkbox"/> Robert J. Mahoney, Chief Engineering Officer |
| <input checked="" type="checkbox"/> Angela C. Bricmont, Chief Finance Officer | <input type="checkbox"/> Thomas J. Roode, Chief Operations Officer |

DENVER BOARD OF WATER COMMISSIONERS

Meeting Date: June 12, 2024

Board Item: II-B-2

Extension of Two Forks Moratorium

Action by Consent

Individual Action

Purpose and Background:

The purpose of this Board item is to adopt a Board Resolution to extend the moratorium on seeking permits for Two Forks Dam for an additional ten years.

Denver Water secured a Forest Service Right of Way (ROW) and acquired approximately 6,000 acres of privately owned land to build the planned Two Forks Reservoir project. The project was vetoed in 1990 by the Environmental Protection Agency. Following the veto, the United States Forest Service reopened a wild and scenic study for the South Platte River. Seeking an alternative to Wild and Scenic designation Denver Water brought together stakeholders and led the development of the South Platte Protection Plan (SPPP). As part of the SPPP, Denver Water committed to a voluntary 20-year moratorium on seeking permits for a Two Forks Dam and to pursue alternative supply projects. The moratorium expires June 21, 2024. Permitting and developing supply projects have taken longer than anticipated, and more time is needed to investigate potential alternative water supply projects.

Budget and Schedule:

There is no budgetary impact for this item.

Recommendation:

Staff recommends the Board adopt a resolution to extend the moratorium for an additional 10-year period.

Approvals

- | | |
|--|--|
| <input checked="" type="checkbox"/> Alan Salazar, CEO/Manager | <input type="checkbox"/> Brian D. Good, Chief Administrative Officer |
| <input type="checkbox"/> Julie Anderson, Chief of Staff | <input checked="" type="checkbox"/> Richard B. Marsicek, Chief Water Resource Strategy Officer |
| <input type="checkbox"/> Jessica R. Brody, General Counsel | <input type="checkbox"/> Robert J. Mahoney, Chief Engineering Officer |
| <input type="checkbox"/> Angela C. Bricmont, Chief Finance Officer | <input type="checkbox"/> Thomas J. Roode, Chief Operations Officer |

Our vision is to sustain vibrant communities that value water for future generations.

Integrity :: Vision :: Passion :: Excellence :: Respect



Denver Water Planning Task Force Recommendation on the Two Forks Moratorium

May 15, 2024

Dear Denver Water Board of Commissioners,

The Denver Water Planning Task Force (Task Force) was formed as part of the South Platte Protection Plan to review and consider projects proposed as alternatives to a Two Forks Reservoir. Another role of the Task Force is to provide input to the Denver Water Board related to the moratorium on permit applications for development of the Two Forks Right of Way. The Task Force recommends the Denver Water Board of Commissioners extend the voluntary moratorium on permit applications for ten years. The Task Force also recommends that Denver Water continues the process of pursuing viable alternative storage or water rights as a substitution of developing the Two Forks Right of Way.

The Task Force recognized the need for additional time to continue developing viable alternative projects and having an updated Integrated Resource Plan to guide future water supply developments as key factors in this recommendation.

The Task Force met on May 15, 2024, and unanimously voted to recommend that the Denver Water Board extend the Two Forks Moratorium for a period of ten years. Periods ranging from five years to twenty years were discussed, and some members of the Task Force preferred twenty years yet were satisfied with ten years. Of the twelve people assigned to the Task Force, ten attended.

Respectfully submitted,

The Denver Water Planning Task Force

- Denver Water's Chief Water Resource Strategy Officer – Richard B. Marsicek
- Denver Water's Chief of Engineering Robert J. Mahoney (Jeremy Ross Acting)
- Citizen Advisory Committee (CAC) environmental representative – Charles Garcia
- CAC Denver citizen representative – Zach Parker
- Environmental and recreation interests- David Nickum, Nik White, Dennis Larratt, Kyle Hamilton
- Suburban water providers – Matt Ashely, Rick McCloud, Lisa Walters, Chris Edelstein

TITLE: EXTENSION OF TWO FORKS MORATORIUM

ADOPTED AND APPROVED ON JUNE 12, 2024 BY THE CITY AND COUNTY OF DENVER
ACTING BY AND THROUGH ITS BOARD OF WATER COMMISSIONERS

Dominique Gómez, Board President

Alan Salazar, CEO/Manager

The Board of Water Commissioners finds that:

- A. In 1931, the United States Forest Service (USFS) granted a permanent right-of-way to Denver Water to construct Two Forks Dam and Reservoir at the confluence of the North Fork and mainstem of the South Platte River.
- B. After obtaining the USFS right of way, Denver Water acquired approximately 6,000 acres of land to build the reservoir and undertook a planning and environmental review process to permit the dam and reservoir.
- C. In the 1980s and 1990s, the USFS conducted a wild and scenic river assessment of the South Platte River above Denver and identified “outstandingly remarkable values (ORVs)” in support of a Wild and Scenic designation.
- D. In 1991, the United States Environmental Protection Agency (EPA) vetoed the Two Forks project while leaving open the possibility that Denver Water could pursue a smaller reservoir project.
- E. In 2004, the USFS selected a locally-developed alternative—the South Platte Protection Plan (SPPP)—as an alternative to Wild and Scenic designation, a first-of-its-kind collaboration.
- F. As part of the SPPP, the Denver Board of Water Commissioners voluntarily imposed a 20-year moratorium on seeking permits for a Two Forks reservoir and committed to working alongside other stakeholders to seek alternative means to meet the water supply needs of Denver Water’s Customers.
- G. The SPPP has proven to be an innovative and successful collaborative approach to river management, maintaining or enhancing the ORVs while allowing Denver Water to meet its operational needs.

Adopted by the Board on June 12, 2024

- H. Without action, the 20-year moratorium will expire on June 21, 2024.
- I. The SPPP stated: “Denver Water may extend this moratorium on permit applications if it determines, at the discretion of its Board, that viable alternative projects are still available that would keep its reliable supply comfortably ahead of its demand projections....”
- J. Denver Water continues to evaluate and pursue viable alternative projects to achieve the water supply that Two Forks Dam and Reservoir would have provided.
- K. On May 15, 2024, the Denver Water Planning Task Force, which was formed as part of the SPPP, met to discuss projects proposed as alternatives to a Two Forks Reservoir and unanimously recommended extending the moratorium for an additional ten years to allow time for additional alternatives identification and development.

Based on the foregoing findings, the Board:

1. Resolves to extend the moratorium on seeking permits for a Two Forks Dam and Reservoir for an additional ten years, to June 21, 2034.
2. Recommits to the collaborative SPPP framework for the duration of the moratorium.
3. Recommits to continued engagement with the Denver Water Planning Task Force to identify and evaluate potential water supply alternatives to a Two Forks Dam and Reservoir.

Adopted by the Board on June 12, 2024

DENVER BOARD OF WATER COMMISSIONERS

Meeting Date: June 12, 2024

Board Item: V-A-1

Briefing Paper for 2024 Legislative Session Recap

Strategic Plan Alignment Denver Water's Strategic Plan calls on the organization to lead the water industry in serving our communities and protecting the water resources of the West. Part of this goal is to align and activate key government, business, nonprofit, and academic influencers to advance our strategic positions. Our activity at the Colorado General Assembly supports Denver Water's role as a trusted leader and allows us to impact policy and regulatory matters that affect the organization.

Summary The Second Regular Session of Colorado's 74th General Assembly adjourned *sine die* on May 8, 2024. A total of 705 bills were introduced and considered. Like last year, Democrats held a supermajority in the House and a near supermajority in the Senate. In contrast to last year, however, the ideological divide between Democrats and Republicans was less pronounced and acrimonious. The minority party used parliamentary tactics, such as filibustering, less frequently, and Republicans appeared more willing to join bipartisan legislation as compared with last year.

While the relationship between the two parties was more harmonious this year, both Democrats and Republicans contended with intra-party differences, particularly in the House of Representatives. Prior to the session, two Democratic lawmakers resigned, citing "toxic" work conditions, and in January, Representative Mike Lynch resigned as House Minority Leader. In the Senate, more seasoned lawmakers—seven of whom served their final session—and a slimmer Democratic majority combined to act as a moderating force against the more progressive House. It is unclear whether this dynamic will remain following the November election, as seven Senate and 18 House primaries will take place on June 25, 2024.

Of the 51 bills the Denver Water Legislative Review Team tracked, most addressed employment-related matters, water quality and efficiency, housing, and local government issues. Most notably, Denver Water carried forward its work from the interim session and successfully advocated for SB24-005 Prohibit Landscaping Practices for Water Conservation, which will ban nonfunctional turf from being installed in certain types of future developments.

Denver Water took the following positions over the course of the session:

- Support – Six bills, all of which passed.
- Amend – Three bills, all of which were adopted.
- Monitor – 44 bills.
- Oppose – Denver Water did not register an oppose position during this session.

Now that the session has concluded, staff will work with local external stakeholders and partners to comply with newly passed legislation, particularly SB24-005 and HB24-1362 Measures to Incentivize Graywater. In addition, the Wildfire Matters Review Committee and the Water Resources and Agriculture Review Committee will

meet throughout the summer and fall. Staff will continue to engage with these groups, as well as expand outreach with other legislators and external stakeholders.

Background

Below are notable bills from the 2024 Legislative Session. A final legislative summary table is attached to this Briefing Paper.

SB24-005 Prohibit Landscaping Practices for Water Conservation

Status: Passed; Denver Water's Position: Support

Starting in 2026, this bill prohibits local governments, metropolitan districts, and special districts from installing nonfunctional turf grass, artificial turf, and invasive species on certain types of property as a part of a new development or redevelopment. These properties include commercial, institutional, and industrial property; local government property; common interest community property; and rights of way, parking lots, medians, and transportation corridors. It does not affect residential property or functional turf grass located in areas used for recreation, civic, or community purposes (e.g., playgrounds, sports fields, picnic grounds, golf courses). To comply, a local entity must adopt an ordinance in accordance with the requirements of the bill.

Denver Water, along with environmental advocacy groups and the Governor's Office, played a large role in advancing and supporting this bill. As Denver Water continues to remove nonfunctional turf in its service area, SB24-005 will ensure that future development eschews cool weather turf as a default landscaping practice in nonfunctional areas and pivots to more water-wise landscaping and climate-friendly vegetation. Over the next two years, Denver Water staff will work with the City and County of Denver and other local government partners to support ordinances and regulations that complement and effectuate the goals of this bill.

HB24-1313 Housing in Transit-Oriented Communities

Status: Passed; Denver Water's Position: Support

As a part of the effort to address affordable housing by the Governor's Office, this bill creates "transit-oriented communities" (TOCs) and requires that TOCs plan, adopt, and implement housing opportunity goals to increase density near public transit. Denver Water requested and received minor changes to the bill that ensure that local authority over impact fees remained intact. In April, staff testified in support of the bill because denser communities save significant amounts of water by reducing the amounts of turf grass and focusing instead on more communal greenspaces and water-wise landscapes. The Governor signed this bill into law on May 13.

SB24-081 Perfluoroalkyl & Polyfluoroalkyl Chemicals

Status: Passed; Denver Water's Position: Support

This bill adds restrictions on products that contain perfluoroalkyl and polyfluoroalkyl (PFAS) chemicals. Specifically, the bill would 1) by 2025, require that outdoor apparel that contains intentionally added PFAS chemicals include a disclosure notifying buyers that the product contains PFAS chemicals; 2) by 2026, ban the sale of artificial turf, household cookware, dental floss, menstruation products, and ski wax that contains PFAS chemicals; and 3) by 2028, ban the sale of outdoor apparel and commercial food equipment that contains PFAS chemicals. This bill builds on the restrictions put in place by HB22-1345, a bill that Denver Water supported in 2022, and continues to phase out the introduction of PFAS into the environment.

SB24-199 Annual Species Conservation Trust Fund Projects

Status: Passed; Denver Water's Position: Support

This bill appropriates \$5 million for various wildlife conservation programs, including \$1.8 million for the Upper Colorado River Endangered Fish Recovery Program. Denver Water is a long-term participant in and supporter of the Upper Colorado and San Juan Endangered Fish Recovery Program because it helps minimize ecological damage to certain threatened and endangered species in the 15-Mile Reach, where Denver Water may cause depletions. Denver Water also routinely supports federal funding for the Upper Colorado River Endangered Fish Recovery Program, and this bill aligned with those efforts.

SB24-197 Water Conservation Measures

Status: Passed; Denver Water's Position: Neutral/Monitor

Last year, SB23-295 established the Colorado River Drought Task Force and tasked it with recommending legislation that would address drought in the Colorado River Basin. The Task Force met throughout fall 2023 and included various representatives from the West Slope, environmental groups, state government, Northern Water, and the Southeastern Water Conservancy District, as well as one Front Range municipal water provider that diverts water from the Colorado River.

The Task Force submitted its report and recommendations to the General Assembly in December 2023. This bill implements two of those recommendations, along with one recommendation submitted by the Sub-Task Force on Tribal matters. The bill will also implement a "narrative suggestion" of the Task Force. Specifically, the bill will: 1) allow a water right, when determining whether it is abandoned, to be tolled for the duration that an electric utility in Water Division 6 decreases or does not use the water right beginning January 1, 2020, and ending December 31, 2050; 2) allow an electric utility in Water Division 6 to show reasonable diligence if the conditional water right is used to support clean energy or greenhouse gas emission goals and the electric utility has made efforts to investigate the viability of future generation tech; and 3) prohibit a water judge from considering the decrease or nonuse of an electric utility in Water Division 6 from 2019 through 2050 when determining historical consumptive use. Denver Water was engaged with the Task Force's work and supported Aurora Water, which served as the Front Range municipal water provider on the Task Force.

HB24-1379 Regulate Dredge and Fill Activities in State Waters

Status: Passed; Denver Water's Position: Neutral/Monitor

Following the U.S. Supreme Court decision *Sackett v. EPA*, which removed federal Clean Water Act (CWA) protection for some water bodies within Colorado, legislators introduced two bills to address this jurisdictional gap (i.e., "gap waters"). HB24-1379 created a dredge and fill permitting program within the Colorado Department of Public Health and Environment (CDPHE) and attempted to regulate certain waters beyond pre-*Sackett* CWA jurisdiction. At the same time, SB24-127 established a dredge and fill program within the Colorado Department of Natural Resources and regulated gap waters only. Legislators debated both bills throughout the session. Business and industry groups favored SB24-127, while environmental groups tended to favor the additional protections provided by HB24-1279. By the end of the session, the sponsors and proponents of HB24-1379 adequately addressed many of the opposition's concerns and the bill passed in the last days of the session. Now, HB24-1379 requires that, by

May 31, 2025, CDPHE must adopt rules to implement a state dredge and fill discharge authorization program, which must be at least as protective as the federal guidelines used under the CWA.

Denver Water remained neutral on both bills. Staff did not see either bill's framework as overly burdensome to future projects and believed that either bill provided adequate protection to Denver Water's watersheds. With the passage of HB245-1379, staff are encouraged that the state will regulate the gap waters left by *Sackett* and will monitor the administrative rulemaking as it unfolds over the coming year.

HB24-1362 Measures to Incentivize Graywater Use

Status: Passed; Denver Water's Position: Neutral/Monitor

Currently, domestic graywater may only be used in areas where the local government has adopted an ordinance or resolution approving its use. This bill will change this "opt-in" framework and allow domestic graywater use statewide unless a local government opts out. Denver Water appreciates the need for graywater innovation, but to ensure safe implementation, staff sought amendments designed to delay implementation until 2026, require stronger coordination between local governments and water utilities, and limit indoor graywater use to new construction. These amendments were adopted, and staff plans to work with local governments within Denver Water's service area to ensure awareness and compliance.

HB24-1435 Colorado Water Conservation Board Projects

Status: Passed; Denver Water's Position: Neutral/Monitor

This bill appropriates money for a variety of water-related projects, including \$2 million from the Colorado Water Conservation Board construction fund for the state turf replacement program and \$20 million from the severance tax perpetual base fund for the purchase and sale agreement between the Colorado River Water Conservation District and the Public Service Company of Colorado for the purchase of water rights associated with the Shoshone power plant.

HB24-1436 Sports Betting Tax Revenue Voter Approval

Status: Passed; Denver Water's Position: Neutral/Monitor

This bill refers a ballot issue to voters that will ask whether the state should keep and spend all revenue from the net proceeds of licensed sports betting. If the ballot initiative passes, any revenue in excess of \$29 million would be transferred to the Water Plan Implementation Cash Fund and used for water conservation and protection projects. If the initiative fails, excess tax revenue would be refunded to the sports betting operations that originally paid the tax.

HB24-1220 Workers' Compensation Disability Benefits

Status: Passed; Denver Water's Position: Neutral/Monitor

This bill increases the cap on workers' compensation benefits for certain claims. Prior to this bill, a claimant with an impairment rating of 19% or less could receive up to \$75,000 from combined temporary disability and permanent partial disability payments, and a claimant with an impairment rating of greater than 19% could receive up to \$150,000. This bill increases the caps to \$185,000 and \$300,000, respectively. As a self-insured entity, Denver Water worked with other self-insured stakeholders to ensure its interests

were protected throughout negotiations and is satisfied that this bill represents an adequate compromise.

Owner(s) Andrew Hill, Office of People and Strategy

Attachments Denver Water Final Legislative Summary Table – 2024 Legislation

Respectfully submitted,

Andrew Hill, Government Affairs Liaison

Julie Anderson, Chief of Staff

Denver Water Final Legislative Summary Table – 2024 Legislation

| Bill # | Title | Position | Status |
|---------------------------|---|-----------------|---------------|
| HB24-1004 | Ex-Offenders Practice in Regulated Occupations | Monitor | Passed |
| HB24-1006 | Assist Rural Community Wildfire-Related Grant Application | Monitor | Passed |
| HB24-1008 | Wage Claims Construction Industry Contractors | Monitor | Vetoed |
| HB24-1014 | Deceptive Trade Practice Significant Impact Standard | Monitor | Lost |
| HB24-1015 | Workplace Suicide Prevention Education | Monitor | Lost |
| HB24-1024 | Extend Outreach Campaign Wildfire Risk Mitigation | Monitor | Passed |
| HB24-1025 | Implement Fertility Coverage for Health Plans | Monitor | Lost |
| HB24-1029 | Prohibit Foreign Ownership Agriculture & Natural Resources | Monitor | Lost |
| HB24-1030 | Railroad Safety Requirements | Monitor | Passed |
| HB24-1058 | Protect Privacy of Biological Data | Monitor | Passed |
| HB24-1062 | Warrants for Metro Sewage Disposal Districts | Support | Passed |
| HB24-1095 | Increasing Protections for Minor Workers | Monitor | Passed |
| HB24-1110 | Employer to Post Veterans' Benefits Availability | Monitor | Lost |
| HB24-1130 | Privacy of Biometric Identifiers & Data | Monitor | Passed |
| HB24-1135 | Offenses Related to Operating a Vehicle | Monitor | Passed |
| HB24-1139 | Death Benefit for State Employee Surviving Spouse | Monitor | Passed |
| HB24-1140 | Workers' Compensation for Complex Trauma | Monitor | Lost |
| HB24-1168 | Equal Access to Public Meetings | Monitor | Lost |
| HB24-1178 | Local Government Authority to Regulate Pesticides | Monitor | Lost |
| HB24-1220 | Workers' Compensation Disability Benefits | Monitor | Passed |
| HB24-1260 | Prohibition Against Employee Discipline | Monitor | Vetoed |
| HB24-1266 | Local Government Utility Relocation in Right of Way | Monitor | Passed |
| HB24-1296 | Modifications to the Colorado Open Records Act | Monitor | Lost |
| HB24-1313 | Housing in Transit-Oriented Communities | Support | Passed |
| HB24-1362 | Measures to Incentivize Graywater Use | Monitor | Passed |
| HB24-1379 | Regulate Dredge & Fill Activities in State Waters | Monitor | Passed |
| HB24-1382 | Insurance Coverage Pediatric Neuropsychiatric Syndrome | Monitor | Passed |
| HB24-1435 | Colorado Water Conservation Board Projects | Monitor | Passed |
| HB24-1436 | Sports Betting Tax Revenue Voter Approval | Monitor | Passed |
| HB24-1454 | Grace Period Noncompliance Digital Accessibility | Monitor | Passed |
| SB24-005 | Prohibit Landscaping Practices for Water Conservation | Support | Passed |
| SB24-009 | Local Government Disaster-related Programs | Monitor | Lost |
| SB24-021 | Exempt Small Communities from HOA Requirements | Monitor | Passed |
| SB24-026 | Agriculture and Natural Resources Public Engagement Requirement | Monitor | Passed |
| SB24-028 | Study Biochar in Wildfire Mitigation Efforts | Monitor | Lost |
| SB24-031 | Local Authority Enforce Violation of Noxious Weed Act | Monitor | Passed |
| SB24-037 | Study Green Infrastructure for Water Quality Management | Support | Passed |

| | | | |
|--------------------------|--|------------------|--------|
| SB24-038 | Authorize Conservancy District Water Management | N/A ¹ | Lost |
| SB24-058 | Landowner Liability Recreational Use Warning Signs | Monitor | Passed |
| SB24-081 | Perfluoroalkyl & Polyfluoroalkyl Chemicals | Support | Passed |
| SB24-096 | Limit Fenced Perimeter Security Alarm System Regulations | Monitor | Lost |
| SB24-127 | Regulate Dredged & Fill Material State Waters | Monitor | Lost |
| SB24-148 | Precipitation Harvesting Storm Water Detention | Monitor | Passed |
| SB24-149 | Workers' Compensation State Employees | Monitor | Passed |
| SB24-165 | Air Quality Improvements | Monitor | Lost |
| SB24-174 | Sustainable Affordable Housing Assistance | Monitor | Passed |
| SB24-179 | Floodplain Management Program | Monitor | Passed |
| SB24-190 | Rail & Coal Transition Community Economic Measures | Monitor | Passed |
| SB24-197 | Water Conservation Measures | Monitor | Passed |
| SB24-199 | Annual Species Conservation Trust Fund Projects | Support | Passed |
| SB24-205 | Consumer Protections for Artificial Intelligence | Monitor | Passed |

¹ Denver Water never took a position on this bill because it was postponed indefinitely relatively early in the session.