

PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM

Attachment 6

Appendix E

Finance Committee Charter

December 7, 2005

I. BACKGROUND

The Governance Committee is responsible for making all policy decisions and providing oversight regarding financial aspects of the Platte River Recovery Implementation Program (Program). The Governance Committee, in its present form, has no legal authority to enter into contracts, collect and retain funds, or incur debt. This charter assumes that the Signatories will perform these Program functions through an agreement with a financial management entity (FME), on behalf of, and as authorized by the Governance Committee. If the Governance Committee acquires such authorities in the future, this charter will be revised accordingly.

The Finance Committee (FC) established by the Governance Committee is to administer the agreement with the FME and to provide assistance and advice on financial matters as herein described and as further directed by the Governance Committee.

II. COMMITTEE STRUCTURE

A. The shall have seven (7) members:

1. One representative and one alternate from the State of Colorado;
2. One representative and one alternate from the State of Nebraska;
3. One representative and one alternate from the State of Wyoming;
4. One representative and one alternate from the U.S. Bureau of Reclamation;
5. One representative and one alternate from the U.S. Fish and Wildlife Service;
6. One representative and one alternate from the Governance Committee's environmental representatives; and
7. One representative and one alternate from the Governance Committee's water user representatives.

The Governance Committee members representing the states, the Department of the Interior (DOI), the environmental groups, and the water users will appoint their respective representatives and alternates to the FC (e.g., State of Colorado Governance Committee member will appoint Colorado's member and alternate). The FC representatives will serve at the pleasure of their respective appointing Governance Committee member or members. The FC representatives and alternates for the states and DOI will have the necessary authority to carry out the administrative functions of the FC described in Section III.A below.

B. The FC shall annually select a Chairperson and Vice-Chairperson. The Chairperson

will chair meetings of the FC and report to the Governance Committee. The Vice-Chairperson will assume these duties when the Chairperson is absent. Such selections will be noted in the official minutes of the meetings during which the elections are held.

C. The Executive Director will provide staff assistance to the FC.

D. The FC may seek technical assistance from other Program participants. However, non-committee members will have no vote in consensus determinations.

III. COMMITTEE PURPOSES

A. Administrative Functions

1. The Governance Committee, through the Signatories, will enter into an agreement with an FME. The FME will hold funds contributed by the Signatories and any other contributors. The FME will make payments to vendors and distribute the charges according to cost sharing agreements established by the Signatories and internal procedures established by the Governance Committee. The FME will be closely monitored by the FC.

2. The Governance Committee will approve all Program budgets and statements/scopes of work for contracts and amendments. An affirmative vote by a Signatory's Governance Committee representative shall constitute the authorization necessary for the use of that Signatory's funds to the extent such funds have been or are later made available to the Program. The FC will implement a procedure with the FME for authorization of day-to-day contract expenditures that comply with budgets and contracts authorized by the Governance Committee and enacted by the Signatories. The FC, working through the Signatories, will ensure that Program funds are used for Program purposes only; that such funds are used pursuant to decisions of the Governance Committee; and that all expenditures comply with the applicable federal and state laws, regulations, and procedures. All financial commitments are subject to the availability of appropriated funds.

B. Advisory Functions

The FC will provide assistance and advice on financial matters as directed by the Governance Committee. The following are examples of some of the tasks that the Governance Committee may assign the FC:

1. Assist in the selection of the FME;
2. Recommend FME agreement language for concurrence by the Governance Committee and approval of the Signatories in a manner consistent with Governance Committee direction and federal and state laws, rules and regulations;
3. Recommend a procedure and schedule for contributions to the Program by Signatories and other contributors and review reports prepared by the Executive

Director and FME documenting the contributions made;

4. Review all contracts language prepared by the Executive Director to determine whether it conforms to the authorized Governance Committee budget and other applicable actions and recommend Governance Committee concurrence or rejection;
5. Review requests for credit against Program cash and cash equivalent commitments for contributions made by the states and the federal government based on Governance Committee or Program policy and provide recommendations to the Governance Committee regarding those requests;
6. Review the proposed annual budgets and any adjustments proposed by the Executive Director and recommend action to the Governance Committee and Executive Director as to availability of funds to meet anticipated expenditures;
7. Review the proposed contractor selection procedures to be developed by the Executive Director and provide recommendations and propose amendments that may be required to comply with state and federal law and procedures needed to secure funding;
8. Review quarterly reports prepared by the Executive Director that describe the actual expenditures as compared to the annual budgets and that describe the payments of invoices against contracts approved by the Governance Committee and report review results to the Governance Committee;
9. Arrange and review financial audits;
10. Participate in the activities of ad hoc committees to provide guidance regarding funding of particular elements of the Program;
11. Review financial matters associated with implementation of the exit strategies in the event of Program failure or discontinuation and make recommendations for Governance Committee action, if appropriate;
12. From time to time, review conformance with “fair share” responsibilities developed by the Governance Committee and make recommendations for Governance Committee action, if appropriate;
13. Meet with the Executive Director to discuss major funding decisions and initiatives, short and long-term funding needs, significant budget issues and their status and outcome and any other budget issues relating to Land and Water Plans, monitoring and research, and Program milestones, and make recommendations for Governance Committee action, if appropriate.

IV. COMMITTEE PROCEDURES

1. The FC will meet as needed to accomplish its purposes outlined in Section III of this Charter.
2. FC meetings will be open to other interested parties and Program participants, except when discussing confidential legal and personnel matters. Any meetings attended by members of the public will include an open comment period.
3. Agendas, meeting minutes, reports, and other information will be furnished by the Executive Director to FC members prior to scheduled meetings and to other interested parties upon request. Information related to confidential financial matters will be made available to FC representatives only.
4. A quorum shall be required for the FC to conduct business. A quorum requires attendance by the representative or alternate for each state, the BOR and the FWS.
5. The decisions of the Finance Committee regarding the administrative functions described in Section III.A above will be made only if approved by the representatives for the states and the DOI during a meeting in which there is a quorum.
6. The decisions of the FC regarding the advisory functions described in Section III.B above, including any recommendations to the Governance Committee, will be made only by consensus during a meeting in which there is a quorum. Any issue that cannot be resolved by consensus agreement shall be elevated to the Governance Committee for decision. The FC will present all viewpoints on such unresolved issues to the Governance Committee without identifying majority or minority views. However, no FC member or alternate shall be prevented from providing the Governance Committee with their views on an unresolved issue.
7. FC meetings may be held in person or via conference calls, videoconferences or other long-distance communication systems.