

SOUTHEAST METRO STORMWATER AUTHORITY
acting by and through
SEMSWA WATER ACTIVITY ENTERPRISE

RESOLUTION NO. 63, SERIES OF 2007

(Regarding Authorization to Execute an Implementing Intergovernmental Agreement with the City of Centennial to address the transfer of stormwater management activities and the City of Centennial's NPDES MS4 permit to SEMSWA)

WHEREAS, pursuant to 29-1-204.2, C.R.S., the Southeast Metro Stormwater Authority ("SEMSWA") was established on September 19, 2006, by the Intergovernmental Agreement (the "Original IGA") *Concerning the Formation of a Drainage Authority Amongst County of Arapahoe, City of Centennial, Arapahoe County Water and Wastewater Authority, East Cherry Creek Valley Water and Sanitation District and Inverness Water and Sanitation District Pursuant to Section 29-1-204.2, C.R.S.*; and,

WHEREAS, the SEMSWA Water Activity Enterprise was established by SEMSWA on September 28, 2006, pursuant to 37-45.1-101, C.R.S., *et.seq.*; and,

WHEREAS, Section I.5(a) of the Original IGA requires SEMSWA to manage stormwater quality and to comply, to the degree legally required, with provisions and permit requirements of National Pollutant Discharge Elimination System ("NPDES") MS4 Stormwater Permits transferred to SEMSWA by the parties to the IGA as well as those obtained in the name of SEMSWA; and,

WHEREAS, the City of Centennial currently holds a NPDES MS4 stormwater permit issued by the State of Colorado ("State") and intends to transfer that permit to SEMSWA and for SEMSWA to apply for its own NPDES MS4 stormwater permit within the boundaries of the City beginning on or about March 9, 2008; and,

WHEREAS, in order for SEMSWA to be able to obtain NPDES MS4 permits, it must be able to legally regulate, pursuant to an IGA with the City, certain stormwater activities, conduct certain stormwater programs, require stormwater improvements, enforce stormwater regulations, and to declare certain actions and activities as unlawful which result in the degradation of the health, safety and welfare; and

WHEREAS, Section I.5(a) of the Original IGA requires the City to delegate to SEMSWA such police powers as may be necessary to enable SEMSWA to enforce any and all provisions of NPDES MS4 Stormwater Permits transferred to SEMSWA or obtained by SEMSWA; and,

WHEREAS, the City holds interests in land and drainage improvements necessary for the accomplishment of SEMSWA's purposes and intends to promptly transfer such interests to SEMSWA; and

WHEREAS, the City and SEMSWA desire to enter into an Implementing Intergovernmental Agreement to provide for the City to delegate to SEMSWA the necessary authority and police powers to enable SEMSWA to administer stormwater programs in the name of the City; and,

WHEREAS, in addition to the regulatory authorities described above, the City and SEMSWA have acknowledged that additional agreement and coordination between the City and SEMSWA is needed in order for SEMSWA to administer and manage stormwater programs in accordance with the MS4 permit requirements and to manage other stormwater activities and, to that end, such administration and management is addressed in the Implementing Intergovernmental Agreement.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Board authorizes the Chairman of the Board to execute the Implementing Intergovernmental Agreement with the City of Centennial to transfer the administration and enforcement of stormwater management programs, including the City's NPDES MS4 permit from the City to SEMSWA.
2. The Board authorizes the Executive Director of SEMSWA to take all actions necessary to permit the transfer of the City's current NPDES MS4 permit from the City to SEMSWA; to apply, in the name of SEMSWA, to CDPHE for an NPDES MS4 permit to be issued in SEMSWA's name and to carry out the MS4 permit responsibilities within the City of Centennial as defined in the Implementing Intergovernmental Agreement..
3. The Board agrees to accept interests in land and improvements from the City necessary for carrying out its stormwater management activities within the City.
4. The Board agrees to pay the City Four thousand fifty dollars (\$4,050.00) as reimbursement for the MS4 permit fees paid to the State for the 2007 MS4 permit fees within 30 days of State approving SEMSWA's application, and upon the City's providing SEMSWA an invoice and documentation of payment to the State.

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Date: _____

ATTEST:

Secretary

Chairperson

APPROVED AS TO FORM:

Attorney for
Southeast Metro Stormwater Authority

By _____
Edward J. Krisor