



Minutes of the Southeast Metro Stormwater Authority Board Meeting February 13, 2008

The Board Meeting of the Southeast Metro Stormwater Authority (SEMSWA) was held on Wednesday, February 13, 2008, at 76 Inverness Drive East, Suite A, Englewood, CO, 80112. A full and timely notice of this meeting had been posted and a quorum was present. The meeting was called to order by Board Chairman Bart Miller at 1:05 p.m.

Those present were: Board Member Bart Miller
Board Member Jim Dyer
Board Member Ron Weidmann
Board Member Andrea Suhaka
Board Member Rod Bockenfeld
Board Member Jacque Wedding-Scott/ Alternate
Board Member Linda Lehrer/Special Districts

Also present were: Scott Tucker, SEMSWA Executive Director
Steve Gardner, SEMSWA Director of Operations
David Agee, SEMSWA Interim Finance Director
Ed Krisor, SEMSWA Attorney
RoxAnna Jones, SEMSWA Administrative Assistant
Mike Vinson, SEMSWA CIP Program Manager

SIGN-IN SHEET SUMMARY

Name	Representing	Phone/E-mail
Robert Olislagers	Centennial Airport	rolislagers@centennialairport.com
Gary Atkin	ACWWA	gatkin@arapahoewater.org
Steve Miller	Arapahoe County	303-795-4578
Dave Berwanger	DAB Engineering, Inc.	303-791-0183
Alan Leak	WRC Engineering, Inc.	alanl@wrceng.com
Dave Kaunisto	ECCV	303-693-3800
Pat Mulhern	IWSD	Not Noted
Sue Bosier	Self	suebosier@aol.com

1. Administrative Items

- a) Motion to accept the January 23, 2008, meeting minutes as provided in the backup materials:

Motion for acceptance: Board Member Ron Weidmann
Seconded: Board Member Andrea Suhaka
In favor: All

- b) Public Comments - None

2. Executive Director Report

- Scott Tucker summarized the recent efforts to resolve the Little Dry Creek/ Arapahoe Road Crossing right of way issues.

3. First Draft of CIP for 2007 through 2012

- Mr. Tucker introduced the first draft of the 2007-2012 CIP Program.
 - Action Item: Add further discussion of CIP to the February 27, 2008 Board Meeting.

4. Authorization to Fund the Construction of the Windmill Creek Pond W-4 Project

- a) Discussion was held regarding the Windmill Creek Pond W-4 Project.
- b) Motion to approve Resolution 08-04 (Authorization to Fund the construction of the Windmill Creek Pond W-4 Project):

Motion for Approval: Board Member Ron Weidmann

Seconded: Board Member Rod Bockenfeld

Approved: All

5. Adoption of Reimbursement Rate for Use of Personal Vehicles for SEMSWA Business

- a) Discussion was held regarding employee mileage reimbursement rates.
- b) Motion to approve Resolution 08-05 (Adoption of Reimbursement Rate for Use of Personal Vehicles for SEMSWA Business):

Motion for Approve: Board Member Ron Weidmann

Seconded: Board Member Andrea Suhaka

Approved: All

6. Comments by ACWWA, IWSD, and ECCV

- Gary Atkin, ACWWA, addressed the Board and discussed the structure of the SEMSWA Board. He requested that the current structure of the SEMSWA Board be reconsidered to either make the Special Districts Representative a voting member or adding another member from Special Districts to the Board.
- Pat Mulhern, IWDS, addressed the Board and also requested that the SEMSWA Board structure be reconsidered. He further emphasized how important it is to have only one place to go for approvals in regard to construction matters which has not occurred, as was anticipated when SEMSWA was formed.
- Board Member Miller noted that if the IGA were to be changed it would require the approval of all five participating entities.

- Dave Kaunisto, ECCV, addressed the Board and indicated that the ECCV Board will be considering the IIGA to start the transfer of properties and permits. He also encouraged the Board to make SEMSWA user friendly as well as working and functioning well.
- Board Member Dyer distributed a copy of a memo dated January 18, 2008, regarding the delegation of policing powers. He stated that the opinion of the County's attorney that police powers cannot be delegated is one reason that Arapahoe County has not transferred its MS4 Permit to SEMSWA. In addition, he added that, in his opinion, it would be necessary to revisit both the IGA forming SEMSWA as well as the Board's makeup because of that legal impediment.
- Board Member Weidmann pointed out that all members of the IGA thoroughly scoured the IGA and all five participants signed to form SEMSWA. He noted that it would be appropriate to request a legal opinion from SEMSWA's counsel on Board Member Dyer's latest legal opinion from the County Attorney's office, which indicated that police powers can't be transferred from Arapahoe County to SEMSWA
- The matter of the delegation of police powers will be researched further, and the memo will be placed in the records of the meeting.

7. Other Items - None

8. Executive Session

Motion to move into **Executive Session** at 2:13 p.m. for the purpose of a conference with attorneys for SEMSWA to receive legal advice (pursuant to 24-6-402 (4)(b) C.R.S.):

Motion for approval: Board Member Bart Member
 Seconded: Board Member Ron Weidmann
 Approved: All

The **Executive Session** concluded at 2:48 p.m.

9. Update on Executive Director Search

Mr. Tucker updated the Board on his progress in the search for a permanent Executive Director for SEMSWA.

10. Adjournment

The Board Meeting was adjourned at 3:03 p.m. by Board Chairman Bart Miller.

The next SEMSWA Board Meeting will be held at 1:30 p.m., February 27, 2008.