

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

RESOLUTION NO. ____, SERIES OF 2007
(Authorization to Enter into Agreements with City, County, ACWWA, ECCV and IWS
Regarding Transition of Stormwater Management Responsibilities and for Transfer of
Land and Improvements)

WHEREAS, SEMSWA was established pursuant to an IGA dated September 19, 2006 between ACWWA, ECCV, IWS, City of Centennial and Arapahoe County (referred to individually as Party and collectively as Parties) wherein SEMSWA is to assume responsibilities for stormwater management functions for the Parties as of January 1, 2007; and

WHEREAS, the IGA establishing SEMSWA requires at Paragraph 3.(a) *No Duplication of Assessments for Drainage Management and Certain Fee Provisions* that if SEMSWA is not able to assume drainage management responsibilities of a Party by January 1, 2007 that SEMSWA and the Party shall enter into an agreement that will authorize the Party to provide drainage management in its jurisdiction, on a monthly basis, until SEMSWA assumes that drainage management responsibility, in exchange for which SEMSWA will compensate the Party for their expenses for providing such services on behalf of SEMSWA; and

WHEREAS, the Authority is not in a position to assume drainage management responsibilities of Parties at this time and, therefore, needs to enter into agreements with Parties as required by the IGA establishing SEMSWA; and

WHEREAS, also pursuant to the IGA establishing SEMSWA, SEMSWA is to accept transfer from the Parties of any interest in land or drainage improvements necessary for the accomplishment of SEMSWA's purposes; and

WHEREAS, the Board desires to proceed with MOUs with the Parties regarding transition of stormwater management responsibilities, and with transfer from the Parties of interest in land or drainage improvements necessary for the accomplishment of SEMSWA's purposes as soon as time and staffing permit.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Board authorizes the Chairman of the Board to execute memorandums of understanding (MOU) with the Parties for stormwater services performed by the Parties on the behalf of SEMSWA pursuant to the IGA establishing SEMSWA.
2. Such MOUs would be on a month to month basis until SEMSWA is able to assume drainage management responsibilities of Party.
3. MOUs would cover areas including but not limited to the following:

- a) Design and construction of projects approved by SEMSWA.
 - b) Development review and oversight.
 - c) Operation and maintenance of facilities that will be turned over to SEMSWA.
4. The MOUs will authorize SEMSWA to compensate the Parties on a monthly basis for Parties' reasonable cost of performing services including but not limited to staff costs incurred for facility maintenance and project management and administration, and contracted work such as engineering consultants. Such reimbursement shall only be for work or activities approved and authorized by SEMSWA.
5. The Chairman of the Board is authorized to execute the necessary documents required for transfers of any interest in land or drainage improvements necessary for the accomplishment of SEMSWA's purposes pursuant to the IGA establishing SEMSWA.

(SEAL)

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Date: _____

ATTEST:

Secretary

Chairperson