

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

RESOLUTION NO. ____, SERIES OF 2006
(Acknowledgement of Loans from Arapahoe County and City of Centennial
And Agreement to Repay Those Loans)

WHEREAS, prior to the formation of SEMSWA, both Arapahoe County (the COUNTY) and the City of Centennial (the CITY) first initially each advanced \$250,000 and then later each advanced an additional \$100,000 to Arapahoe County, in trust, for the sole purpose of investigating and, if determined feasible, forming an entity such as SEMSWA; and

WHEREAS, based upon the receipt of those trust funds, Arapahoe County entered into a series of contracts with both AMEC Earth and Environmental, Inc. and CH2M Hill to provide consulting services to both the COUNTY and the CITY as well as to the task force that was formed to study the question; and

WHEREAS, the agreement between COUNTY and the CITY was that, if an entity such as SEMSWA was eventually formed, those funds advanced by each would be repaid interest free by that entity when it was financially able; and

WHEREAS, all of the funds loaned and held in trust by Arapahoe County have been expended by Arapahoe County for the payment of consulting services rendered pursuant to contacts with AMEC Earth and Environmental, Inc. and CH2M Hill; and

WHEREAS, SEMSWA was formed on September 19, 2006 and has adopted a budget for 2006 which includes the receipt of a \$3.5 million dollar loan to SEMSWA and has adopted a budget for 2007 which includes the receipt of \$7,372,000 in fees; and

WHEREAS, SEMSWA with the receipt of those funds will be able to repay those loans in full to both to the COUNTY and the CITY and the 2007 budget adopted by SEMSWA so provides; and

WHEREAS, SEMSWA has been asked to memorialize its agreement to repay those loans to the COUNTY and the CITY in 2007 by the COUNTY and the CITY for auditing reasons and SEMSWA has determined that it wishes to so memorialize its agreement to repay the \$700,000 since it does not want those moneys to be considered a grant under TABOR.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. SEMSWA, by this Resolution, agrees to repay the \$350,000 loan to it from County of Arapahoe, Colorado by no later then

December 31, 2007 and further agrees to repay the \$350,000 loan from the City of Centennial by no later than December 31, 2007.

2. Such repayments to constitute full and final payment to both the County of Arapahoe and the City of Centennial since no interest was being charged by either.

(SEAL)

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Date: _____

ATTEST:

Secretary

Chairperson