

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

RESOLUTION NO. 64, SERIES OF 2007

(Regarding Authorization to Execute an Implementing Intergovernmental Agreement with the East Cherry Creek Valley Water and Sanitation District (ECCV) to address the transfer of ECCV's stormwater management activities and non-standard 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 East Cherry Creek Valley Water and Sanitation District ("ECCV") currently holds a non-standard 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 non-standard MS4 stormwater permit within the service areas of ECCV for the permit period beginning on or about March 9, 2008; and,

WHEREAS, the State, in order for it to issue a non-standard MS4 Stormwater permit to SEMSWA within the service areas of ECCV, is requiring that SEMSWA and ECCV have in place an IIGA setting forth the respective rights and responsibilities of each entity in regard to the non-standard MS4 Stormwater permit to be held by SEMSWA; and

WHEREAS, ECCV 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, ECCV and SEMSWA desire to enter into an Implementing Intergovernmental Agreement to provide for ECCV to convey to SEMSWA the necessary interests in land and improvements to enable SEMSWA to administer stormwater programs in ECCV and,

WHEREAS, ECCV and SEMSWA desire to provide for the coordination of activities between ECCV and SEMSWA to facilitate SEMSWA's administration of stormwater programs in accordance with the MS4 permit requirements and other stormwater to management activities and, to that end, such coordination of activities 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 East Cherry Creek Valley Water and Sanitation District to transfer the administration of stormwater management programs, including ECCV's non-standard NPDES MS4 permit from ECCV to SEMSWA.
2. The Board authorizes the Executive Director of SEMSWA to take all actions necessary to permit the transfer of ECCV's current non-standard NPDES MS4 permit from ECCV to SEMSWA; to apply, in the name of SEMSWA, to CDPHE for a non-standard NPDES MS4 permit to be issued in SEMSWA's name and to assume responsibility for ECCV's non-standard MS4 permit responsibilities as defined in the Implementing Intergovernmental Agreement.
3. The Board agrees to accept interests in land and improvements from ECCV necessary for carrying out its stormwater management activities within ECCV.
4. The Board agrees to reimburse ECCV for costs that it has incurred between January 1, 2007 and December 31, 2007 for stormwater management within its jurisdiction for which it has not collected fees. Such reimbursements are subject to ECCV providing an invoice and itemized accounting of work performed. ECCV has estimated its costs to be approximately Thirty-two thousand one hundred dollars (\$32,000).

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Date: _____

ATTEST:

Secretary

Chairperson

APPROVED AS TO FORM:

Attorney for
Southeast Metro Stormwater Authority

By _____
Edward J. Krisor