

JEFFERSON PARKWAY PUBLIC HIGHWAY AUTHORITY  
JANUARY 17, 2013 – 9:00 A.M.  
ARVADA CITY HALL -- 8101 RALSTON ROAD  
ARVADA, COLORADO 80001

- I. Call to Order
- II. Pledge of Allegiance
- III. Election of Officers
  - A. Chair; Vice-Chair; Treasurer; Secretary
- IV. Organizational Matters
  - A. Resolution 13-01, A Resolution Concerning Annual Administrative Items
- V. Consent Items
  - A. Approval of Minutes of the December 13, 2012 JPPHA Meeting
- VI. Report from Staff
  - A. 2012 Year-end budget report
- VII. Report of the General Counsel
- VIII. Report from the Board of Directors
- IX. Public Comment (3 minute limit)
- X. New Business
  - A. Approval of JPPHA Member Reimbursement Agreements
  - B. Approval of Letter of Engagement with Icenogle Seaver Pogue, P.C. for 2013 Legal Services
- XI. Executive Session
  - A. Discussion of matters being negotiated, Pursuant to CRS 24-6-402(e)
  - B. Discussion of matters regarding land acquisitions, Pursuant to CRS 24-6-402(a)
  - C. Discussion of matters regarding legal advice, Pursuant to CRS 24-6-402(4)(b)

ADJOURNMENT

**RESOLUTION  
OF THE BOARD OF DIRECTORS OF THE  
JEFFERSON PARKWAY PUBLIC HIGHWAY AUTHORITY**

**A Resolution Concerning Annual Administrative Items**

**Resolution 13-01**

At a special meeting of the Board of Directors of the Jefferson Parkway Public Highway Authority (the "Authority"), held at 9:00 A.M., on Thursday, January 17, 2013, at Arvada City Hall, 8101 Ralston Road, Arvada, Colorado 80001, at which a quorum was present, the following resolution was adopted:

**WHEREAS**, the Authority was created pursuant to the Public Highway Authority Law, Sections 43-4-501, *et seq.*, C.R.S., to finance, construct, operate and maintain the Jefferson Parkway Public Highway; and

**WHEREAS**, the Board of Directors of the Authority (the "Board") has a duty to perform certain obligations in order to assure the efficient operation of the Authority; and

**WHEREAS**, pursuant to Section 43-4-505(3)(c), C.R.S., the Board is authorized to pass resolutions necessary for the government and management of the affairs of the Authority and the execution of the powers vested in the Authority; and

**WHEREAS**, pursuant to Section 43-4-505(3)(e), C.R.S., the Board is authorized to designate the location of its office or offices; and

**WHEREAS**, pursuant to Section 43-4-505(3)(b), C.R.S., the Board is authorized to fix the time and place of meetings either within or without the boundaries of the Authority; and

**WHEREAS**, pursuant to Section 43-4-505(3)(b), C.R.S., the Board is authorized to designate the method of providing notice of the meetings; and

**WHEREAS**, Section 43-4-513(2), C.R.S. requires that at least seven (7) days prior to a regular meeting the Board shall make available to the public written or electronic notice of the time and agenda of such meeting; and

**WHEREAS**, Section 24-6-402(2)(c), C.R.S., specifies the duty of the Board to designate a posting place, within the boundaries of the Authority, for notices of meetings which are not otherwise posted as regular or special meetings under Title 43, C.R.S., and that such notices shall be posted no less than twenty-four (24) hours prior to such meeting; and

**WHEREAS**, the Establishing Contract of the Authority specifies that special meetings of the Board may be held at any time at any place within Denver metropolitan region, upon twenty-four (24) hours written notice delivered to the home or place of employment of each member of the Board, unless such notice be waived in writing; and

**WHEREAS**, the Establishing Contract of the Authority specifies that notice of all special meetings shall be delivered by email, fax or physical delivery to the address of the Member or Affiliate Non-Voting Member retained by the Secretary of the Authority for the receipt of such notices, not less than twenty-four (24) hours prior to the time fixed for the meeting; and

**WHEREAS**, in accordance with certain provisions in the Public Highway Authority Law, Sections 43-4-510, *et seq.*, C.R.S., and the Local Government Budget Law, Sections 29-1-102, *et seq.*, C.R.S., the Board is to publish certain legal notices in a newspaper of general circulation within the boundaries of the Authority; and

**WHEREAS**, the Local Government Budget Law requires the Board to designate or appoint a person to prepare yearly budgets and submit the same to the Board, to hold a public hearing on the proposed budgets and any amendments thereto, to adopt budgets and to file copies of the budgets and amendments thereto with the proper governmental entities; and

**WHEREAS**, pursuant to Section 43-4-505(1)(a), C.R.S., the Board is authorized to delegate, by resolution, any of the powers of the board to any of the officers or agents of the board except as specifically prohibited therein; and

**WHEREAS**, in accordance with the Bylaws of the Board, the Board shall elect a chairman, vice-chairman and treasurer, each of whom must also be a Member-appointed Director, and the Board shall also elect a secretary, who may be, but need not be a Director; and

**WHEREAS**, Section 24-6-402(2)(d.5)(II)(A), C.R.S., specifies that discussions that occur in an executive session of a local public body shall be electronically recorded; and

**WHEREAS**, pursuant to Section 24-6-402(2)(d.5)(II)(E), C.R.S., such electronic recording of executive sessions shall be retained for at least ninety (90) days after the date of the executive session.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE JEFFERSON PARKWAY PUBLIC HIGHWAY AUTHORITY THAT RESOLVES AS FOLLOWS:**

1. The Board designates Arvada City Hall, 8101 Ralston Road, Arvada, Colorado 80001 as the Authority's principal office.
2. The Board determines regular meetings on the third Thursday of January, April, July and October at 9:00 A.M., at Arvada City Hall, 8101 Ralston Road, Arvada, Colorado 80001.
3. That the Board designates the posting locations for notices of regular and special meetings as: (1) Arvada City Hall, 8101 Ralston Road, Arvada, Colorado 80001; (2) Broomfield City and County Administration Building, One Descombes Drive,

Broomfield, Colorado 80020; and (3) Jefferson County Administration and Courts Facility, 100 Jefferson County Parkway, Golden, Colorado 80419.

4. The Board directs that the Secretary of the Authority deliver notice of special meetings to each Member or Affiliate Non-Voting Member by email, fax or physical delivery to the address retained by the Secretary for the receipt of such notices, not less than twenty-four (24) hours prior to the time fixed for the meeting.
5. For purposes of the Colorado Open Meetings Law, the Arvada City Hall, 8101 Ralston Road, Arvada, Colorado 80001 is designated as the place at which meeting notices shall be posted.
6. For purposes of Section 43-4-513(2), C.R.S., the Board directs that notice of the time and agenda of regular meetings shall be made available to the public at Arvada City Hall, 8101 Ralston Road, Arvada, Colorado 80001 and/or <http://www.jppha.org> at least seven (7) business days prior to regular meetings of the Board.
7. That the Board designates the Denver Post as the newspaper for publication of legal notices.
8. The Board directs the Executive Director for the Authority, or such person to whom the Executive Director may delegate, to prepare and submit a proposed budget and a final budget annually and budget amendments as necessary to the governing body of the Authority; and to file the approved budgets and amendments thereto with the proper governmental entities in accordance with the Local Government Budget Law.
9. That the Board authorizes the Executive Director, in addition to any other grants of authority, to execute on behalf of the Authority all documents, including but not limited to contracts, options, purchase agreements, deeds and easements, which have been approved by the Board.
10. The Board hereby elects the following officers for the Authority:  
  
Chairman: \_\_\_\_\_  
Vice-Chairman: \_\_\_\_\_  
Secretary: \_\_\_\_\_  
Treasurer: \_\_\_\_\_
11. The Board directs staff and legal counsel to retain all electronic recordings of executive sessions for purposes of the Colorado Open Meetings Law for ninety (90) days after the date of the executive session. The Board further directs legal counsel to systematically delete all recordings of executive sessions made for

purposes of the Colorado Open Meetings Law at its earliest convenience after the ninetieth (90<sup>th</sup>) day after the date of the executive session.

Whereupon, a motion was made and seconded, and upon a majority vote this Resolution was approved by the Board.

**ADOPTED AND APPROVED THIS 17<sup>th</sup> DAY OF JANUARY 2013.**

**JEFFERSON PARKWAY  
PUBLIC HIGHWAY AUTHORITY**

\_\_\_\_\_  
By: \_\_\_\_\_  
Its: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
By: \_\_\_\_\_  
Its: \_\_\_\_\_

JEFFERSON PARKWAY PUBLIC HIGHWAY AUTHORITY  
SUMMARY OF MINUTES OF SPECIAL MEETING  
DECEMBER 13, 2012 – 9:00 A.M.  
ARVADA CITY HALL  
8101 RALSTON ROAD, ARVADA, CO

I. Call to Order by Chairman Williams

Chairman Marc Williams called the meeting of the Jefferson Parkway Public Highway Authority (JPPHA) to order at 9:00 a.m. Present were Chairman Marc Williams; Vice-Chairman Don Rosier; Director Greg Stokes; Director Don Allard

Also in attendance were Bill Ray, Staff to JPPHA; Victoria Runkle, Staff to JPPHA; Ed Icenogle, Legal Counsel for the JPPHA; Chris Daly, Arvada City Attorney; Kevin Standbridge, City and County of Broomfield; Ralph Shell, Jefferson County; Ellen Wakeman and Kate Newman, Jefferson County

II. Pledge of Allegiance

III. Consent Items

A. Approval of Minutes of the October 8 and November 29, 2012, JPPHA Meetings

The minutes stand approved as submitted.

IV. New Business

V. Report from Staff

A. Set 2013 Annual and Quarterly JPPHA Meetings

The Board set January 17, April 18, July 18 and October 17 as the quarterly meeting dates for 2013.

VI. Report of the General Counsel

VII. Report from the Board of Directors

A. Vice-Chair Rosier said the Board of County Commissioners recently approved to go out with a Request for Qualifications for an SOQ to the Engineering community to look at a western beltway. He said the deadline will be January 7 and they will then meet with the most qualified firm and then move forward.

B. Vice-Chair Rosier reported on the JEFFTAG meeting and said they have modified their transportation plan to allow for managed lanes through Golden, when traffic exceeds 75,000 vehicle trips per day. He said today it is about 35,000. He said there are still components of the plan that are quite expensive including a 550 foot long tunnel, including a multitude of \$25 million grade separated interchanges, including millions of dollars in sound walls and other factors. He said it is still a \$200 million project through Golden. Lorraine Anderson said she was pleased that they are talking about it and that it goes clear through Golden. She said it doesn't make any sense to go through and build just the four lanes. While you are doing construction it is just as easy to put the other lanes in. She said they were willing to have that much right of way and build the bridges and thought there

was a lot of room for concessions as to how it ends up. Vice-Chair Rosier reported on other specific items discussed at the JEFFTAG meeting.

VIII. Public Hearings

- A. Jefferson Parkway Public Highway Authority Supplemental 2012 Budget and Appropriation  
1. Resolution 12-07, A Resolution Amending the 2012 Operating Budget

Chairman Williams opened the public hearing on Resolution 12-07.

Mr. Bill Ray referred to the budget message he has supplied to the Board (insert "2012 Revised Budget" paragraphs. Mr. Ray said Arvada would be advancing the \$45,000 to balance the 2012 budget and said the resolution reflects that action.

Ralph Jacobsen, Arvada, addressed the Board and talked about the two lane highway discussed under the Reports from the Board above.

Chairman Williams closed the public hearing.

Vice-Chair Rosier moved to adopt Resolution 12-07.

The following votes were cast on the motion:

Those voting Yes: Williams, Allard, Rosier, Stokes

Absent: Quinn

The Motion was approved.

Vice-Chair Rosier moved to approve the advancement of funds to balance the 2012 budget and to reduce the 2013 Arvada contribution. Director Allard seconded.

The following votes were cast on the motion:

Those voting Yes: Williams, Allard, Rosier, Stokes

Absent: Quinn

The Motion was approved.

- B. Jefferson Parkway Public Highway Authority 2013 Budget

1. Resolution 12-08, A Resolution Summarizing Expenditures and Revenues for Each Fund and Adopting a Budget and Appropriating Sums of Money to Each Fund in the Amounts and for the Purposes Set Forth Herein for the Jefferson Parkway Public Highway Authority for the Calendar Year Beginning on the First Day of January 2013 and Ending on the Last Day of December 2013

Chairman Williams opened the public hearing on Resolution 12-08.

Mr. Bill Ray talked about significant aspects that are not budgeted in 2013 but may come before the Board. He said there are several major possibilities in the future direction of the parkway over the next 12 months, including moving forward with several land acquisitions. He said we

may be looking somewhere between \$1 and \$1.5 million total dollars. He said on Section 16, a decision will be made on this matter in the next seven days and if the decision is appealed, the decision would have to be made by the Board as to whether to appeal and if so, there would be

costs related to the appeal. Assuming there is a favorable decision on Section 16, the Board will be faced with deciding whether to proceed with a Pre-Concession agreement, which is an expensive undertaking. In addition, he said staff has been sending out RFPs for a financial advisor and will receive responses by next Monday and will be apprising the Board. Depending on the direction of the Board, there may be additional costs on an hourly or lump sum basis.

Chairman Williams closed the public comment portion of the public hearing.

Vice-Chair Rosier moved, and Director Stokes seconded, to adopt Resolution 12-08.

The following votes were cast on the motion:

Those voting Yes: Williams, Allard, Rosier, Stokes

Absent: Quinn

The Motion was approved.

IX. Public Comment - None

X. Executive Session

A. Discussion of matters being negotiated, Pursuant to CRS 24-6-402(e)

B. Discussion of matters regarding land acquisitions, Pursuant to CRS 24-6-402(a)

C. Discussion of matters regarding legal advice, Pursuant to CRS 24-6-402(4)(b)

Ed Icenogle, Legal Counsel, stated there are matters for executive session as shown above.

Director Stokes moved, and Vice-Chair Rosier seconded, to go into executive session for the above noted items.

The following votes were cast on the motion:

Those voting Yes: Williams, Allard, Rosier, Stokes

Absent: Quinn

The Motion was approved.

The Board came back into general session.

Mr. Icenogle said in anticipation of the planned closing of Section 16 exchange, he would suggest that the Board authorize and delegate to Commissioner Rosier and Mr. Bill Ray the authority to take such actions and execute such documents as recommended by legal counsel and as is necessary and appropriate to effectuate the Section 16 exchange, and Chairman Williams in case Mr. Rosier is not available.

Director Stokes moved and Director Allard seconded authorizing Vice-Chair Rosier and Bill Ray to take such actions and execute such documents as recommended by legal counsel to effectuate the Section 16 exchange, and Chairman Williams in case Mr. Rosier is not available.

The following votes were cast on the motion:

Those voting Yes: Williams, Allard, Rosier, Stokes

Absent: Quinn

The Motion was approved.



JPPHA Meeting  
December 13, 2012

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XI. Adjournment at 10:22 a.m.

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Marc Williams, Chairman

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Christine Koch, Recording Secretary

# ICENOGLLE | SEAVER | POGUE

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January 9, 2013

Jefferson Parkway Public Highway Authority  
c/o Bill Ray  
City of Arvada  
P.O. Box 8101  
Arvada, Colorado 80001

**Re: Jefferson Parkway Public Highway Authority - 2013 Legal Services**

Dear Bill:

Thank you for allowing us to serve the Jefferson Parkway Public Highway Authority and its Board of Directors in 2012. We look forward to providing our services to the Authority in 2013.

Please find enclosed our 2013 billing rates. We also attach an addendum presently required by law, assuring we do not employ illegal aliens.

Very truly yours,

ICENOGLLE | SEAVER | POGUE  
A Professional Corporation



T. Edward Icenogle

:TEI/dbh  
Enclosures

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Facsimile: 303.292.9101

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## JEFFERSON PARKWAY PUBLIC HIGHWAY AUTHORITY 2013 BILLING RATES

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T. Edward Icenogle	Shareholder	\$250.00 per hour
Tamara K. Seaver	Shareholder	\$250.00 per hour
Alan D. Pogue	Shareholder	\$250.00 per hour
Deborah A. Early	Shareholder	\$220.00 per hour
Jennifer L. Ivey	Shareholder	\$200.00 per hour
Stacie L. Pacheco	Paralegal	\$130.00 per hour
Donette B. Hunter	Paralegal	\$130.00 per hour

## ADDENDUM TO CONTRACT

This Addendum (the "Addendum") is made to the Legal Services Contract by and between the Jefferson Parkway Public Highway Authority, a body corporate and political subdivision of the State of Colorado (the "Authority"), and Icenogle Seaver Pogue, P.C., (the "Contractor").

This Addendum is attached to and made a part of the Contract. All capitalized terms used and not otherwise defined herein shall have the respective meanings ascribed to them in the Contract.

I. Pursuant to §§8-17.5-101, *et seq.*, C.R.S., definitions in which are hereby incorporated:

A. Contractor hereby certifies to the Authority, that, as of the date of this Addendum, Contractor does not knowingly employ or contract with an illegal alien who will perform work under this Contract and that Contractor will participate in the E-Verify Program administered by the U.S. Department of Homeland Security and the Social Security Administration (the "E-Verify Program"), in order to confirm the employment eligibility of all employees who are newly hired for employment to perform work under this Contract.

B. Contractor shall not:

1. Knowingly employ or contract with an illegal alien to perform work under this Contract; or

2. Enter into a contract with a subcontractor that fails to certify to Contractor that the subcontractor shall not knowingly employ or contract with an illegal alien to perform work under this Contract.

C. Contractor has confirmed the employment eligibility of all employees who are newly hired for employment to perform work under this Contract through participation in the E-Verify Program.

D. Contractor shall not use either the E-Verify Program or the Department Program procedures to undertake pre-employment screening of job applicants while this Contract is being performed.

E. If Contractor obtains actual knowledge that a subcontractor performing work under this Contract knowingly employs or contracts with an illegal alien, Contractor shall:

1. Notify the subcontractor and the Authority within three (3) days that Contractor has actual knowledge that the subcontractor is employing or contracting with an illegal alien; and

2. Terminate the subcontract with the subcontractor if, within three (3) days of receiving the notice required pursuant to subsection I.E.1 hereof, the subcontractor does not stop employing or contracting with the illegal alien; except that Contractor shall not terminate the contract with the subcontractor if during such three (3) days the subcontractor provides information to establish that the subcontractor has not knowingly employed or contracted with an illegal alien.

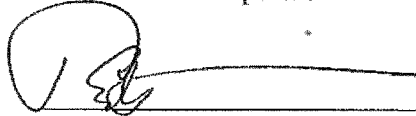
F. Contractor is required to comply with any reasonable request by the Colorado Department of Labor and Employment made in the course of an investigation conducted pursuant to § 8-17.5-102 (5), C.R.S. to ensure that Contractor is complying with this Addendum to this Contract.

G. If Contractor violates a provision of this Addendum, the Authority may terminate the Contract for a breach of the Contract. If the Contract is so terminated, Contractor shall be liable for actual and consequential damages to the Authority. The Authority shall notify the Colorado office of the Secretary of State if Contractor violates a provision of this Addendum to this Contract and the Authority terminates the Contract.

IN WITNESS WHEREOF, the Contractor hereto has executed this Addendum. By the signature of its representative below, the Contractor affirms that it has taken all necessary action to authorize said representative to execute this Addendum.

CONTRACTOR:

ICENOGLÉ | SEAVER | POGUE  
A Professional Corporation

  
\_\_\_\_\_  
T. Edward Icenogle