

JEFFERSON PARKWAY PUBLIC HIGHWAY AUTHORITY
JANUARY 21, 2010 - 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 10-01, Annual Resolution of the Board of Directors of the Jefferson Parkway Public Highway Authority
- V. Consent Items
 - A. Approval of Minutes of the December 17, 2009 JPPHA Meeting
- VI. Report of the Project Manager
- VII. Report of the General Counsel
- VIII. Report from the Board of Directors
- IX. Report of the Interim Executive Director
 - A. 2009 Year-end budget report
- X. Public Comment (3 minute limit)
- 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)

ADJOURNMENT

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

Resolution 10-01

At a regular meeting of the Board of Directors of the Jefferson Parkway Public Highway Authority (the "Authority"), held at 9:00 A.M., on Thursday, January 21, 2010, 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 physically 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 prohibit 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 to hold 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 physically 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) 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 finance manager for the Authority to prepare and submit a final budget 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 Governmental 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 (90th) 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 21ST DAY OF JANUARY 2010.

**JEFFERSON PARKWAY
PUBLIC HIGHWAY AUTHORITY**

By: _____
Its: _____

ATTEST:

By: _____
Its: _____

JEFFERSON PARKWAY PUBLIC HIGHWAY AUTHORITY
SUMMARY OF MINUTES OF SPECIAL MEETING
DECEMBER 17, 2009 9:00 AM
ARVADA CITY HALL -- 8101 RALSTON ROAD
ARVADA, COLORADO 80001

I. Call to Order by Chairman McCasky

Chairman Kevin McCasky called the meeting of the Jefferson Parkway Public Highway Authority (JPPHA) to order at 9:00 a.m. Present were Chairman Kevin McCasky; Director Marc Williams; Director Pat Quinn; and Wally Pulliam, Member, representing the Regional Transportation District.

Also in attendance were Bill Ray, Interim Executive Director; Tamara Gilida and Ed Icenogle, Legal Counsel for the JPPHA; Chris Daly, City Attorney for City of Arvada; Bill Tuthill, Attorney for City and County of Broomfield.

II. Pledge of Allegiance

III. Consent Items

A. Approval of Minutes of the October 15, 2009 JPPHA Meeting

Director Quinn moved to approve the minutes of the October 15, 2009 JPPHA meeting. Director Williams seconded the motion.

The following votes were cast on the motion:

Those voting Yes: McCasky, Williams, Quinn

The Motion was approved.

IV. Presentation of 2008 Audit

Ty Holman, Haynie & Company, presented the 2008 Audit Report.

Director Quinn asked that next year's draft audit report be provided to the Authority prior to issuance of the final report. The Authority asked for a preliminary report in June or July of 2010.

V. Report of the General Counsel

A. Request for Executive Session – land acquisition

Director Williams moved for the Authority to go into Executive Session to discuss land acquisition matters, instructions to negotiators and a personnel issue, all pursuant to CRS 24-6-402(4)(e)(f)(a). Director Quinn seconded the motion.

The following votes were cast on the motion:

Those voting Yes: McCasky, Williams, Quinn

The Motion was approved.

Ellen Wakeman, Jefferson County Attorney, arrived during the executive session.

VI. Report of the Project Manager

A. Bill Ray introduced Peter Shellenberger, with Public Financial Management.

B. Dick Bauman, PB America, provided an update on the project. The Authority asked Mr. Bauman to provide them with a layman's breakdown of the numbers they provided in their traffic modeling and how and why those numbers differ from DRCOG's numbers.

The Authority discussed points that should be included in a letter being prepared to DRCOG that is due by 5:00 p.m. today. This letter will be included with the testimony given at last night's DRCOG meeting relating to adding the Jefferson Parkway to DRCOG's Fiscally Constrained Plan.

Mr. Bauman told the Authority that his company has studied the traffic on Indiana and they would recommend that the speed limit be lowered. Because it is a local road not designed or built to handle regional traffic.

Mr. Bauman reviewed the scope of Task Order 4. He said about half of the costs included in this task order are already budgeted but that they would need an additional \$223,000 for Task Order 4 in the 2010 budget.

VII. Report of the Interim Executive Director

A. Mr. Bill Ray stated that the Authority received a budget status report, as of December 17, 2009, in their meeting packet.

B. Bill Ray stated that the Authority should hold their annual meeting in January. The annual meeting was set for 9:00 a.m., January 21, 2010.

VIII. Public Hearing and Adoption of 2010 Budget

A. Jefferson Parkway Public Highway Authority 2010 Budget

Bill Ray said he is recommending that the Board take his recommendation and adopt a two-year budget and a one-year appropriation. The Authority said after the adjustment is made based on the 2008 Audit, there be an appropriation of all the fund balance for 2010 for the pre-concession agreement and task order 4.

Chairman McCasky opened the public hearing for the 2010 budget. No one wishing to speak, the public hearing was closed.

Director Quinn moved to adopt the 2010 budget as modified per the discussion above. Director Williams moved to second.

The following votes were cast on the motion:

Those voting Yes: McCasky, Williams, Quinn

The Motion was approved.

IX. Report from the Board of Directors

A. Chairman McCasky said he thought everyone did an outstanding job at the DRCOG meeting the evening before and thanked Bill Ray, Maria VanderKolk and Rick Assmus and staff for the Authority.

X. Adjournment – 11:40 a.m.

Kevin McCasky, Chairman

Christine Koch, Recording Secretary

Jefferson Parkway Budget Status as of December 31, 2009

Expense Type	2009 Budgeted Amount	Expenses YTD	Budget Remaining
Travel, Training, and Meetings	\$10,000	\$4,672.60	\$5,327.40
Printing, Binding, Ads, Postage, Copies	\$8,000	\$963.09	\$7,036.91
Dues and Memberships	\$5,000	\$1,900.00	\$3,100.00
Supplies and Expenses	\$7,000	\$1,849.12	\$5,120.88
Office Expenses & Equipment	\$5,000	\$0.00	\$5,000.00
Materials, Publications, Legal Notices	\$3,000	\$969.30	\$2,030.70
Professional Services (Project Mgmt, Engineering, Marketing, Financial, & Document Mgmt.)	\$675,000	\$625,548.72	\$49,451.28
Professional Services - Legal & Insurance	\$155,000	\$182,857.94	-\$27,857.94
Contingency	\$30,000	\$0.00	\$30,000.00
Total	\$898,000	\$818,760.77	

Member Contributions	
2009 Member Contributions Budgeted	\$900,000
2009 Member Contributions Received YTD	\$900,000

Member Contributions Received YTD	Expenses YTD	Budget Remaining
\$900,000	\$818,760.77	\$81,239.23