

JEFFERSON PARKWAY PUBLIC HIGHWAY AUTHORITY  
SPECIAL MEETING  
DECEMBER 11, 2014 9:30 AM  
ARVADA CITY HALL -- 8101 RALSTON ROAD  
ARVADA, COLORADO 80001

- I. Call to Order
- II. Pledge of Allegiance
- III. Consent Items
  - A. Approval of Minutes of the October 16, 2014 JPPHA Meeting
- IV. New Business
  - A. 2015 Legal Services Contract - Icenogle.Seaver.Pogue
- V. Report from Staff
  - A. Set 2015 Annual and Quarterly JPPHA Meetings
- VI. Report of the General Counsel
- VII. Report from the Board of Directors
- VIII. Public Hearings
  - A. Jefferson Parkway Public Highway Authority 2015 Budget
    - 1. Motion for Approval of 2015 Budget
- IX. Public Comment (3 minute limit)
- 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)
- XI. Adjournment

JEFFERSON PARKWAY PUBLIC HIGHWAY AUTHORITY  
SUMMARY OF MINUTES OF REGULAR MEETING  
OCTOBER 16, 2014 – 9:30 A.M.  
COUNCIL CHAMBERS  
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 9:34 a.m. Present were Chairman Marc Williams; Alternate Director Faye Griffin; Director Randy Ahrens; Director Bob Dyer; Director Greg Stokes; Ken Lloyd, RAQC Member; Lorraine Anderson, RTD Member

Also in attendance were Bill Ray, Staff to JPPHA; Tamara Seaver, Legal Counsel for the JPPHA; Bill Tuthill, Broomfield City and County Attorney; Ellen Wakeman, Jefferson County Attorney; Chris Daly, Arvada City Attorney, Kevin Standbridge, City and County of Broomfield, Maria VanderKolk, Arvada Communications Manager, Matthew McDole, Consultant, and Dick Bauman, Consultant

II. Pledge of Allegiance

III. Consent Items

A. Approval of Minutes of the July 17, 2014 JPPHA Meeting

Chairman Williams stated the minutes are approved as submitted.

IV. Report from Staff

A. Transmittal of 2013 JPPHA Audit

Bill Ray gave the Authority the 2013 audit.

B. Transmittal of proposed 2015 JPPHA Budget

Bill Ray gave the Authority the proposed 2015 JPPHA budget, along with the budget message.

C. Motion to set public hearing on proposed 2015 JPPHA Budget – December 11, 2014 at 9:30 a.m.

Director Stokes moved that the proposed 2015 budget hearing be set for December 11, 2014 at 9:30 a.m.

The following votes were cast on the motion:

Those voting Yes: Williams, Griffin, Ahrens, Dyer, Stokes

The Motion was approved.

V. New Business

A. Dick Bauman presented information on the 1601 process and potential funding options followed by questions from the board.

VI. Report of the General Counsel - None

VII. Report from the Board of Directors - None

VIII. Public Comment - None

IX. New Business - None

X. Executive Session

- A. Discussion of matters being negotiated, Pursuant to CRS 24-6-402(4)(e)
- B. Discussion of matters regarding land acquisitions, Pursuant to CRS 24-6-402(4)(a)
- C. Discussion of matters regarding legal advice, Pursuant to CRS 24-6-402(4)(b)

Tamara Seaver, Legal Counsel, stated there are matters for executive session as shown above.

Alternate Director Griffin moved to go into executive session for the above noted items.

The following votes were cast on the motion:

Those voting Yes: Williams, Griffin, Ahrens, Dyer, Stokes

The Motion was approved.

XI. Adjournment at 10:15 a.m. following the executive session.

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Marc Williams, Chairman

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Michele Broski, Recording Secretary

# ICENOGLER | SEAVER | POGUE

A Professional Corporation

Attorneys at Law

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TAMARA K. SEAVER  
TSeaver@ISP-law.com  
Direct: 303.867.3004

December 3, 2014

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 - 2015 Legal Services**

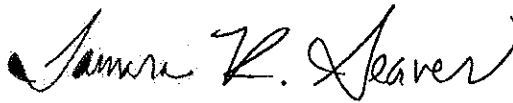
Dear Bill:

Thank you for allowing us to serve the Jefferson Parkway Public Highway Authority and its Board of Directors in 2014. We look forward to providing our services to the Authority in 2015.

Please find enclosed our 2015 billing rates. We also attach an addendum presently required by law, assuring we do not employ illegal aliens.

Very truly yours,

ICENOGLER | SEAVER | POGUE  
A Professional Corporation



Tamara K. Seaver

:TKO/dbh  
Enclosures

## **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



Tamara K. Seaver

# ICENOGLER | SEAVER | POGUE

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## JEFFERSON PARKWAY PUBLIC HIGHWAY AUTHORITY 2015 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	\$245.00 per hour
Jennifer L. Ivey	Shareholder	\$245.00 per hour
Anna C. Wool	Associate	\$180.00 per hour
Shannon F. Smith	Associate	\$180.00 per hour
Stacie L. Pacheco	Paralegal	\$140.00 per hour
Donette B. Hunter	Paralegal	\$140.00 per hour



Jefferson Parkway Public Highway Authority  
P.O. Box 1108  
Arvada, CO 80001-1108  
[www.jppha.org](http://www.jppha.org)

October 15, 2014

Board of Directors  
Jefferson Parkway Public Highway Authority

### **2015 Budget Message and Letter of Transmittal**

Chairman Williams and Members of the Board:

I am pleased to present to you the draft 2015 budget for the Jefferson Parkway Public Authority (the "Authority") and the estimated 2014 year end statement of revenues and expenditures. Let me take this opportunity to review our progress this year and proposals for the next.

#### **Review of 2014 Budget**

On the legal front, this year has been spent awaiting the decision of the 10<sup>th</sup> Circuit Court of Appeals to rule on the appeal filed by the Town of Superior and two environmental groups of Federal District Court Judge Bremmer's December 2012 ruling on the Section 16 transaction, including the Rocky Flats Transportation Corridor. The appeal was heard in November 2013; unfortunately one of the three judges on the panel passed away this spring and no replacement judge has been announced as of the date of this writing.

In part because the appeal is not yet resolved, there has been reluctance from our private partner, Isolux, to move ahead with negotiations on a pre-concession agreement. Until a mutually acceptable framework for a plan of finance is established, the services of Goldman Sachs as our financial advisor have been placed on hold. Jefferson County has also taken a lead role in exploring options to advance the Jefferson Parkway in connection with other major west metro transportation projects through the West Connect initiative.

One positive action the Authority has undertaken this year is to work with the member jurisdictions to legally describe the publicly owned parcels that will become the right of way (ROW) for the Jefferson Parkway. The Authority has worked with Jefferson County and Arvada to develop legal descriptions for ROW owned by each jurisdiction. In addition, the Rocky Flats Transportation Corridor and the ROW through the Leyden Rock subdivision have already been conveyed. A redesign of the interchange at Highway 72 will shrink the amount of land needed through Candelas and those negotiations continue. The Authority will be meeting with Broomfield to discuss the interchange design on Indiana and the land needed for ROW to the north of Great Western Reservoir.

At this point, it is anticipated that the 2014 budget will have an estimated ending fund balance of \$381,084. This large fund balance is mainly attributed to the Goldman Sachs status change. Staff will, of course, closely monitor the budget as there may be unanticipated legal expenses requiring a change in the revised 2014 budget before the end of the fiscal year.



### Proposed 2015 Budget

There are two projects that will allow the Authority to move forward with the Jefferson Parkway in a meaningful and substantial way in 2015. One is to fully assemble the ROW, which will provide assurance to private markets of the Authority's intent to move forward with the Parkway. The other is for the Authority to proceed with the Section 1601 environmental review process. As the Board is aware, this is a CDOT requirement for any transportation facility connecting to a state highway. The completion of this environmental review will significantly enhance the viability of the Parkway to private markets. The estimated year end fund balance, in combination with the same level of contribution from the member jurisdictions, should prove sufficient to generate the preliminary engineering and environmental studies needed to begin the process. If the Board does provide direction to proceed, it should be with the understanding that this is a two year process, and that it may require a higher contribution in 2016 to complete it. The cost of the entire 1601 process is estimated at \$2.5 million.

The 2015 budget is proposed at \$978,400. The cost share to the member jurisdictions is still estimated to be \$200,000 each, leaving the Authority with an estimated positive fund balance at the end of 2015 in the amount of \$2,884. That said, it is important to note that there are multiple factors, largely outside the control of the Authority, that could significantly affect the budget as proposed.

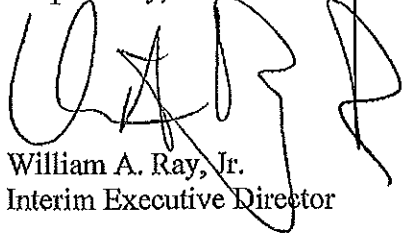
This budget assumes that there will NOT be significant additional legal costs associated with the Section 16 appeals process, or substantial litigation in connection with the CDOT 1601 process. The budget also assumes that we will NOT require the active services of Goldman Sachs as our financial advisor. The budget as proposed does NOT include the costs for legal work attendant to active negotiations for a pre-concession agreement. Should circumstances change in any of these areas, staff will seek a supplemental appropriation to respond to that change.

As was true last year, there are still two private parcels of land to be acquired for the right of way. As a result of the interchange redesign at Highway 72, one acquisition is expected to be smaller than originally anticipated. The other is unaffected, although the design will improve highway access for the remainder of that parcel. I am recommending that each member jurisdiction be prepared to consider supplemental appropriations throughout the 2015 budget year as each of those negotiations conclude. The balance of proposed expenditures in the 2015 budget is routine and associated with the day to day costs of running the organization.

As the Authority enters into its eighth year of operation, it is appropriate to recognize the continuing interest among many private stakeholders, other local governments, and those interested in regional transportation issues to move forward with the Parkway and other regional improvements that will significantly improve mobility throughout the western Metro area. With a willing and committed partner in Isolux, I believe it is possible for the Parkway to be under construction in 2017.

It has been a privilege to work with the Authority Board and the staff of the member jurisdictions in continuing to move the Jefferson Parkway forward for the ultimate benefit of the Denver metropolitan area and the entire Front Range.

Respectfully,



William A. Ray, Jr.  
Interim Executive Director

Jefferson Parkway  
Public Highway Authority  
2015 BUDGET - As of 10-15-14

	<i>Final 2013 Budget</i>	<i>Estimated 2014 Budget</i>	<i>Proposed 2015 Budget</i>
<i>Beginning FB</i>	26,117	\$37,557	\$ 381,084
 <b>REVENUES</b>			
Member Contributions	\$ 400,000	\$600,000	\$ 600,000
City of Arvada	155,000		\$ -
Interest	\$207	\$193	\$200
	<hr/> \$ 555,207	<hr/> \$600,193	<hr/> 600,200
 <b>EXPENDITURES</b>			
Trainings and Meetings	3,043	\$250	\$ 500
Print/Mail/Supplies	\$ 822	\$352	\$ 500
Dues	2,170	\$2,170	\$ 2,200
Insurance (CIRSA)	1,478	\$2,144	\$ 2,200
Icenogle	207,189	\$52,456	\$ 50,000
Lindquist	175,501	\$3,288	
Patton Boggs	325		
BSF	16,740		
Clifton	1,338	\$555	\$ 1,000
HC Peck	6,526	\$1,134	\$ 4,500
Goldman Sachs	120,000	\$80,000	\$ -
Haynie/Audit	5,400	\$5,400	\$ 5,500
LS Gallegos			
<i>ROW Work</i>		\$108,628	\$ 160,000
<i>1601 Process</i>			\$ 750,000
Misc	3,235	\$289	\$ 2,000
	<hr/> \$ 543,767	<hr/> \$256,666	<hr/> \$ 978,400
 <i>Ending FB</i>	 37,557	 \$381,084	 \$2,884