

JEFFERSON PARKWAY PUBLIC HIGHWAY AUTHORITY
REGULAR MEETING
APRIL 16, 2009 9:00 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 January 15, 2009, JPPHA Meeting
- IV. Report of the Project Manager
 - A. Preliminary Report from Public Finance Management
 - B. Update on Project timeline and 1601 process
 - C. Establish meeting schedule with potential partners
- V. Report of the Interim Executive Director
 - A. Resolution Regarding Rocky Flats Right of Way Environmental Mitigation
 - B. Resolution Approving a Records Management Policy
- VI. Report of the General Counsel
 - A. Status of Open Records Request to City of Golden
 - B. Request for Executive Session regarding instructions to negotiators
- VII. Report from the Board of Directors
- VIII. Public Comment (3 minute limit)
- IX. Adjournment

JEFFERSON PARKWAY PUBLIC HIGHWAY AUTHORITY
SUMMARY OF MINUTES OF REGULAR MEETING
JANUARY 15, 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, Vice-Chair Robert Frie, Director Pat Quinn, and Dr. Mark Johnson, Member representing the Regional Air Quality Council

Also in attendance were Bill Ray, Interim Executive Director; Ed Icenogle, Legal Counsel for the JPPHA, of Icenogle Norton; Chris Daly, City Attorney for City of Arvada; Bill Tuthill, Attorney for City and County of Broomfield; Ellen Wakeman, Jefferson County Attorney; Kevin Standbridge, Broomfield; Jim Moore, Jefferson County;

II. Pledge of Allegiance

III. Acknowledgments from the Board

- a. The board recognized Faye Griffin, newly elected Jefferson County Commissioner and the new alternate for the Jefferson County Parkway Public Highway Authority from Jefferson County.

IV. Election of Officers

- A. Chair, Vice-Chair, Treasurer, Secretary

Director Quinn moved that the officers stay the same for 2009 as they were in 2008. Director Frie seconded the motion.

The following votes were cast on the Motion:

Those voting Yes: McCasky, Frie, Quinn
The motion was Approved.

V.

Organizational matters:

- a. Set time, date and place for regular meetings

Executive Director Bill Ray said this is the meeting for regular matters to be considered on an annual basis. He said we can continue to hold the meetings here in the Arvada City Council chambers and that we would post the same. He said the meetings are set for the third Thursdays of January, April, July and October at 9:00 a.m.

Director Quinn moved that the dates, times and locations be set for 2009. Director Frie seconded the motion.

The following votes were cast on the Motion:

Those voting Yes: McCasky, Frie, Quinn
The motion was Approved.

- b. Designation of public posting locales for notice of regular and special meetings

Mr. Ray stated that the three jurisdictions, Jefferson County, the City and County of Broomfield and that the City of Arvada all post the meetings in a public location.

Director Quinn moved that the same locations be designated for 2009. Director Frie seconded the motion.

The following votes were cast on the Motion:

Those voting Yes: McCasky, Frie, Quinn
The motion was Approved.

VI. Approval of Minutes of the December 11, 2008 Special Meeting.

Director Quinn moved to approve the Minutes of December 11, 2008. Director Frie seconded the motion.

The following votes were cast on the motion:

Those voting Yes: McCasky, Frie, Quinn
The motion was approved.

VII. Report of the Project Manager

Bill Ray, Executive Director, reviewed the general activities that the Authority has been undertaking. Mr. Ray said he would recommend that the application for DRCOG for an amendment to the fiscally constrained plan be made in DRCOG's second cycle this year and that an application for the 1601 feasibility process to match that timing also be made.

VIII. Report of the General Counsel

A. Status of CORA (Colorado Open Records Act) Requests

Mr. Ed Icenogle, General Counsel, discussed the frequent open records request from the City of Golden.

Chairman McCasky said he feels the Authority should get reimbursed for the costs of producing the information, including the staff research time.

Mr. Icenogle introduced Tamara Gilida, an attorney with his firm, who reviewed the provisions of Amendment 54 with the Authority. Mr. Icenogle said their recommendation is to be conservative and put the protective language into the contracts.

IX. Report from the Board of Directors - None

X. Report of the Interim Executive Director

a. Introduction of R.S. Wells

Mr. Ray introduced Denise Denslow and Bob Brooks from R.S. Wells who will serve as custodian of record for the JPPHA. He referred to the Engagement Letter that is being presented to the JPPHA.

Director Frie moved that the Director of the Authority be authorized to sign the engagement letter. Director Quinn seconded the motion.

The following votes were cast on the motion:

Those voting Yes: McCasky, Frie, Quinn
The motion was approved.

b. Follow-up on JPPHA Board Expansion

Chairman McCasky asked that this item be tabled until the summer and the members of the Authority agreed.

c. Recommendation for Financial Advisor

Mr. Ray said Mr. David Miller, Public Financial Management Group, Inc., has offered their services at no cost or obligation to the Authority wherein they would take the information we would provide them, i.e. engineering costs, traffic projections, and they would provide a preliminary feasibility analysis and suggestions on market timing and market approach. Mr. Ray said this is an extraordinary opportunity and he said he would recommend the Authority enter into a Letter of Limited Engagement with this firm.

Director Frie moved to authorize the Chairman to enter into an agreement, approved by Mr. Icenogle with Mr. David Miller's firm. Director Quinn seconded the motion.

The following votes were cast on the motion:

Those voting Yes: McCasky, Frie, Quinn
The motion was approved.

d. 2008 Year-end budget report

Mr. Bill Ray referred to the budget report handed out prior to the meeting. He said there is a carry-over of approximately \$57,800 to 2009.

XI. Public Comment (3 minute limit) - None

XII. Executive Session

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

Mr. Ray said this executive session is not needed.

XIII. Adjournment – 10:15 .a.m.

Kevin McCasky, Chairman

Christine A. Koch, Recording Secretary

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

Resolution 09-__

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, April 16, 2009, at the 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, Section 43-4-501, et seq., C.R.S., to finance, construct, operate and maintain the Jefferson Parkway Public Highway ("Jefferson Parkway"); and

WHEREAS, the Authority is a political subdivision of the State of Colorado; and

WHEREAS, the Jefferson Parkway is on the Denver Regional Council of Governments' regional transportation plan and the Denver Regional Council of Governments is the Denver area metropolitan planning organization; and

WHEREAS, the Rocky Flats National Wildlife Refuge Act of 2001 (Section 3174) (the "Act") provides for the conveyance of a 300-foot wide area of land on the east side of the Rocky Flats National Wildlife Refuge (west side of Indiana Street) to a political subdivision of the State of Colorado for use as a transportation right-of-way (the "Right-Of-Way"); and

WHEREAS, the Authority has pending with the appropriate federal agency, the United States Fish and Wildlife Service ("USFWS"), which is responsible for transfer of the Right-Of-Way, the Authority's request for transfer of thereof; and

WHEREAS, the Act contains certain criteria for transfer of the Right-Of-Way, notably: (1) the applicant for the Right-Of-Way is a political subdivision of the State of Colorado, (2) the transportation improvements are contained on the regional transportation plan of the Denver area metropolitan planning organization, and (3) documentation demonstrating the transportation improvements are carried out so as to minimize adverse effects on the Rocky Flats Wildlife Refuge ("Conditions"); and

WHEREAS, the Final Rocky Flats National Wildlife Refuge Comprehensive Conservation Plan & Environmental Impact Statement (the "Study"), a document of the USFWS, dated September 2004, concluded: "Based on this analysis, and the need for future coordination and consultation associated with any transportation improvement along Indiana Street, the Service finds that transfer of a corridor up to 300 feet wide would not adversely affect the management of the Refuge"; and

WHEREAS, the Study contains a discussion of potential impact minimization and mitigation strategies in the following particulars:

- (a) Identify and implement best management practices for water quality;
- (b) Identify and implement best management practices for noxious weed control;
- (c) Work with USFWS to design and construct below-grade small animal crossings and large animal preventative fencing;
- (d) Work with USFWS to include noise-reducing and light-reducing techniques;
- (e) Coordinate with USFWS on location of Refuge public access and use facilities;
- (f) Address impacts to natural resources, including water, wetlands, vegetation and various habitat; and

WHEREAS, implementation of all of these strategies are acceptable to the Authority and will be required of those designing, constructing, maintaining and operating the Jefferson Parkway; and

WHEREAS, it is the express intent of Congress to provide this parcel for transportation purposes and consistent with conclusions and recommendations of the US Fish and Wildlife Service EIS and the CDOT Northwest Corridor Transportation and Environmental Study to transfer the Right-Of-Way to the Authority.

NOW, THEREFORE, be it resolved by the Board of Directors of the Jefferson Parkway Public Highway Authority, as follows:

1. Upon thorough review and analysis of the impact minimization and mitigation strategies contained in the Study, the Authority is capable of and willing to implement each of the strategies.
2. The Authority's executive director, program manager and general counsel is directed to proceed with negotiation with USFWS of a memorandum of understanding or similar document to memorialize the Authority's commitment to accomplish the desired impact minimization and mitigation, thus allowing conveyance of the Right-Of-Way.
3. Upon negotiation of such an agreement to the satisfaction of the executive director, the program manager, general counsel and the Chairman of the Board, the Board hereby authorizes its Chairman to execute and bind the Authority to that agreement.

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ADOPTED AND APPROVED THIS 16TH DAY OF APRIL, 2009.

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

Chairman

Attest:

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

**A RESOLUTION ADOPTING AND
APPROVING A RECORDS MANAGEMENT POLICY**

RESOLUTION 09-__

WHEREAS, the Jefferson Parkway Public Highway Authority (the "Authority") is a public highway authority operating pursuant to Sections 43-4-501 *et seq.*, Colorado Revised Statutes; and

WHEREAS, the Authority entered into an agreement for management services with R.S. Wells, LLC (the "Agreement") on February 6, 2009; and

WHEREAS, the Agreement provides that R.S. Wells, LLC will serve as the official custodian of records for the Authority;

WHEREAS, the Agreement provides that R.S. Wells, LLC will respond to routine inquiries, questions and requests for information from the public;

WHEREAS, the Agreement provides that R.S. Wells, LLC will respond to and coordinate all requests for public information;

WHEREAS, the Board of Directors of the Authority (the "Board") desires to make a records management policy whereby R.S. Wells, LLC is the sole custodian and sole official custodian of any and all records of the Authority ("Policy").

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF
THE AUTHORITY THAT:**

Section 1. The Board hereby deems it to be in the best interests of the Authority to have a Policy.

Section 2. The Board hereby adopts the following Policy:

- a. R.S. Wells, LLC is the Board's only authorized custodian and sole official custodian of any and all records of the Authority.
- b. All records of the Authority, wherever and by whomsoever held, shall be repositied with R.S. Wells, LLC, excepting those records held by employed or contracted servants of the Authority for use in furtherance of the affairs of the Authority. Provided, however, the documents of the servants which are not records of the Authority do not become records of the Authority.

- c. The Board authorizes no other person or entity, including without limitation the Authority's members, to make, keep or maintain for the Authority records of the Authority. Any records which are retained by others are deemed by the Board to be retained as the records of others and for their purposes and shall not be deemed to be records of the Authority.

ADOPTED AND APPROVED this 16th day of April, 2009.

JEFFERSON PARKWAY PUBLIC HIGHWAY
AUTHORITY BOARD OF DIRECTORS

By: _____
Its: _____

ATTEST:

By: _____
Its: _____

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