

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

RESOLUTION NO. 09-11

(Regarding Authorization to Execute a Memorandum of Understanding with Arapahoe County to address the implementation of stormwater management activities for Arapahoe County's NPDES MS4 permit)

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, Arapahoe County ("County") currently holds a NPDES MS4 stormwater permit issued by the State of Colorado ("State") and desires to form a partnership between SEMSWA and the County in regard to stormwater activities related to the MS4 Permit held by the County; and,

WHEREAS, the County and SEMSWA have acknowledged that additional agreement and coordination between the County and SEMSWA is needed in order for SEMSWA to administer and to carry out other responsibilities directly related to stormwater programs in accordance with the MS4 permit requirements. To that end, such administration and other responsibilities are addressed in the eight Standard Operating Procedure (SOP) documents prepared jointly by SEMSWA and the County; and,

WHEREAS, the County and SEMSWA desire to enter into a Memorandum of Understanding to coordinate MS4 Permit activities such that SEMSWA would be responsible for administrative issues as well as other responsibilities as more specifically set forth in the eight approved SOP documents related to implementing the MS4 Permit programs and the County would be legally responsible for complying with and enforcing the requirements of the MS4 permit as more specifically set forth in those SOP documents.

NOW, THEREFORE, BE IT RESOLVED THAT:

The Board authorizes the Executive Director of SEMSWA to execute the Memorandum of Understanding with the County (a copy of which is attached hereto and incorporated herein) to utilize SEMSWA staff to implement and administer the County's MS4 Permit as more specifically set forth in the Memorandum of Understanding and the eight approved SOP documents.

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Date: _____

ATTEST:

Secretary

Chairperson

APPROVED AS TO FORM:

Attorney for
Southeast Metro Stormwater Authority

By _____
Edward J. Krisor