



Notice of Regular Meeting
Cherry Creek Basin Water Quality Authority
Board of Directors Meeting
Thursday, May 18, 2023 at 9:00 a.m.

The meeting will be conducted in-person and virtually as set forth below.

In-Person: SEMSWA
7437 S. Fairplay St.
Centennial, CO 80112

Virtual: Zoom
<https://us06web.zoom.us/j/87425775963> Passcode: CCBWQA
Phone (646)931-3860 Mtg ID 874 2577 5963# Passcode: #815374

CCBWQA Board of Directors Meeting Documents can be found online at the link below.

https://drive.google.com/drive/folders/1KqGcDC9eS_gMEdSiXPPPBGefAHTib7pf?usp=share_link

1. Call to Order and Pledge of Allegiance
2. Consent Agenda (5 minutes)
(Items on the consent agenda can be approved with a single motion or, items can be requested to be moved from the consent agenda and moved to the "discussion" or "direction and/or action" section.)
 - a. Approval of the April 20, 2023 Minutes (enclosed)
 - b. Acceptance of the Schedule of Cash Position dated May, 2023 (enclosed)
 - c. Acceptance of the Paid Claims for April, 2023 (enclosed)
 - d. Approval of Unpaid Claims as of May, 2023 (enclosed)
3. Direction and/or Action (25 minutes)
 - a. Direction on CCBWQA Level of Involvement in April 2024 CR 72 RMH (DiToro/Clary, enclosed)
 - b. Preparation and Authorization of Piney Creek Reaches 1 and 2 IGA Amendment (enclosed)
 - c. Preparation and Authorization of RESPEC's Amendment for East Shade Shelters Phase 3 and Tower Loop Phase 2 (Borchardt, enclosed)
4. Discussion (25 minutes)
 - a. Proposed Revisions to Bylaws (Tim Flynn, enclosed)
 - b. Lone Tree Creek Pond (Clary)
5. Presentations (25 minutes)
 - a. Water Quality Standards 101 (DiToro)
 - b. Emerging Technologies in Nutrient Remediation and Colorado Watershed Projects (Stewart)
6. Board Member Items
 - a. [Board Binder](#)
 - b. Request for Future Presentation on Background P (Director Woodling)
7. Updates (10 minutes)
 - a. Technical Manager (Clary)
 - i. TAC Subcommittees
 - ii. Peoria Pond
 - iii. Cherry Creek/Piney Creek Site Visit with Partners - May 25th 1-4 pm
 - b. Cherry Creek Stewardship Partners Update and [Events](#) (Davenhill)
 - i. Cherry Creek Watershed Conference - August 24, 2023 at the Parker Arts, Culture, and Events Center
 - c. TAC (Erickson)
 - d. Contract Staff (see enclosed memos)
 - i. PAPM
 - a. CIP Status Report (Borchardt)
 - b. Maintenance and Operations Status Report (Goncalves)
 - ii. [Water Quality Update](#) (Stewart)

- iii. Regulatory (DiToro)
 - iv. Land Use Referrals - [2023 Tracking](#) (Endyk)
 - e. Legal
 - f. Other - Reminder of Watershed Plan Process Workshop - September 21, 2023 8:30-11:30 am
8. Executive Session pursuant to Section 24-6-402(4) C.R.S., if necessary.
 9. Adjournment



**Cherry Creek Basin Water Quality Authority
Minutes of the Board of Directors
Thursday, April 20, 2023 at 9:00 a.m.**

Board Members Present

Abe Laydon, Douglas County
Bahman Hatami, Governor's Appointee (zoom)
Christopher Lewis, Vice Chair, Governor's Appointee
Jessica LaPierre, City of Aurora - Alternate
John McCarty, Secretary/Treasurer, Governor's Appointee
John Woodling, Governor's Appointee
Joshua Rivero, Chair, Town of Parker
Leslie Summey - Arapahoe County
Luis Tovar, Special District Representative
Margaret Medellin, Governor's Appointee
Max Brooks, Town of Castle Rock
Mike Anderson, City of Lone Tree (zoom)
Rebecca Tejada - Special Districts, Parker Water and Sanitation District - Alternate
Ryan Adrian, Douglas County - Alternate
Stephanie Piko, City of Centennial
Steve Sundberg, City of Aurora
Tom Downing, Governor's Appointee
Tom Stahl, City of Greenwood Village (zoom)

TAC Members Present

Ashley Byerley, SEMSWA
Caitlin Gappa, Douglas County Health Department (zoom)
Casey Davenhill, Board Appointee, Cherry Creek Stewardship Partners
David Van Dellen, Town of Castle Rock
Jacob James, City of Lone Tree
James Linden, SEMSWA - Alternate (zoom)
Jon Erickson, TAC Chair, Board Appointee, Colorado Parks and Wildlife
Lisa Knerr, TAC Vice Chair, Arapahoe County (zoom)
Rick Goncalves, Board Appointee
Steve Chevalier, Arapahoe County Public Health (zoom)

Others Present

Alan Leak, RESPEC (zoom)
Erin Stewart, LRE Water
Jane Clary, Wright Water Engineers, CCBWQA Technical Manager
Jessica DiToro, LRE Water
Richard Borchardt, R2R Engineers
Mike Smith, Brownstein Hyatt Farber Schreck
Tim Flynn, Collins Cole Flynn Winn & Ulmer, PLLC
Val Endyk, CCBWQA

1. Call to Order and Pledge of Allegiance

Director Rivero called the meeting to order at 9:00 am and led in the pledge of allegiance.

2. Consent Agenda

- a. Approval of the March 16, 2023 Minutes
- b. Acceptance of the Schedule of Cash Position dated April, 2023
- c. Acceptance of the Paid Claims for March, 2023
- d. Approval of Unpaid Claims as of April, 2023

Director Woodling moved to approve the consent agenda. Seconded by Director Sundberg. The motion carried.

3. Direction and/or Action

a. Authorization of Happy Canyon Creek at Jordan Rd. IGA Amendment - MHFD IGA Amendment 21-05.24B

Rich Borchardt presented background information on the Happy Canyon Creek stream reclamation project at Jordan Rd. Project details can be found in the [Action Item Memo](#) provided to the Board. The project sponsors are CCBWQA, the Southeast Metro Stormwater Authority (SEMSWA), and the Mile High Flood District (MHFD) which is the project lead. Jacobs is the design consultant. This [IGA Amendment](#) includes additional funding of \$580,000 (\$290,000 MHFD; \$202,000 SEMSWA; and \$88,000 CCBWQA). The total project is currently estimated at \$1,323,000 in this IGA Amendment, additional amendments will be needed to bring future funding as the partners' capital improvement programs currently contemplate funding through 2026 when construction is anticipated. CCBWQA's 2023 budget includes \$88,000 for the project.

Director McCarty moved that the Board authorize CCBWQA to execute the IGA Amendment for stream improvements on Happy Canyon Creek at Jordan Road for an amount not to exceed \$88,000. Seconded by Director Summey. The motion carried.

b. Acceptance of 2022 Wetland Harvesting Update, Authorization of the Pilot Project for 2023, and Continued Work with L&M Enterprises

Rich Borchardt and Erin Stewart presented an update on the [2022 Wetland Harvesting Project. Background information](#) on the project can be found in the [Action Item Memo](#) provided to the Board. The memo includes a table detailing the lessons learned from the 2022 harvest and recommendations for 2023. CCBWQA will continue to review water quality over the course of the pilot project to evaluate if estimates of the nutrient load reduction achieved as a result of the harvesting project can be calculated. L&M has successfully completed the harvesting for 2 years and was critical to the optimization effort in 2022, so it is recommended that CCBWQA continue their partnership for 2023. For 2023, LRE Water will be managing the wetlands harvesting project. CCBWQA's 2023 budget includes \$90,000 for the pilot project.

Director Laydon moved that the Board accept the 2022 Update and authorize the Wetland/Cattail Harvesting Pilot Project to continue in 2023 and approve implementation of the recommendations from the 2022 Update, an expenditure of not to exceed \$90,000, the selection of L&M Enterprises to perform the harvesting, and authorize a member of the executive committee to execute an appropriate agreement. Seconded by Director Downing. The motion carried.

c. Approval of Muller Engineering Scope of Work for Alternatives Analysis and Preparation of the Corresponding Agreement

Rich Borchardt provided the Board with an [Action Item Memo](#) detailing the next steps on the alternatives analysis on Cherry Creek from the reservoir to Lake View Drive. Based on Muller's successful completion of the Stream and Water Quality Assessment and Baseline Channel Monitoring Reports, their work on the Cherry Creek Major Drainageway Planning Study which continued upstream to Scott Road, their effective engagement in the March 16, 2023 workshop, and their previous experience and success on Plum Creek in Chatfield State Park, CCBWQA requested Muller Engineering provide a [Scope of Services for Cherry Creek Reach 1 Alternatives Analysis and Conceptual Design](#) for the Board's review.

Director Piko updated the Board that she provided Congressman Jason Crow's office with an [outreach handout](#) on the project during a recent trip to Washington, D.C. Congressman Crow's office is interested in obtaining more information and potentially identifying funding opportunities.

Director Lewis moved that the Board authorize continuation of design with Muller Engineering and approve the scope of work for the Alternatives Analysis on Cherry Creek from the Reservoir to Lake View Drive (aka Reach 1). Seconded by Director Summey. The motion carried.

Director Summey moved that the Board authorize legal counsel to prepare the necessary consulting agreement for an amount not to exceed \$256,715 for execution by a member of the executive committee. Seconded by Director McCarty. The motion carried.

4. Discussion

a. Cherry and Piney Creeks Workshop Follow-Up

i. Project Overview and Outreach [Handout](#)

ii. Discuss [Workshop Notes, Follow-Up, and Multi-Pronged Approach](#)

Rich Borchardt presented a summary of the March 16, 2023 workshop providing a multi-pronged approach to funding the project while prioritizing Reach 1 without neglecting the other upstream reaches or projects.

Discussion included:

- Projects would likely include:
 - Reach 1 -reconstruction of the stream between Lakeview Dr. and the Reservoir, along with some reconstruction of Lakeview Dr.
 - Reach 2 - Focus on area upstream of the dog off-leash area (DOLA) and full stream reclamation to the state park boundary.
- The feasibility study will determine the options and better project costs so we can reach out to potential partners with refined details.
- Chatfield project was comparable and was near \$60M. For comparative purposes, it may also be worth comparing the cost of sediment removal from the Reservoir to the project cost.
- Working with partners will be a priority. Colorado Water Conservation Board is also interested and has indicated that this type of project could potentially qualify for funding under their stream restoration program. CWCB representatives will participate in an upcoming site visit to better understand the project.
- Director McCarty summarized the experience that SEMSWA had on Piney Creek where budget limitations necessitated phased restoration of individual reaches, during which a major flood event caused major damage and delays. This is an example of why it is beneficial to secure funding sources to avoid a prolonged construction process and avoid similar problems.

b. Lake Nutrients Criteria RMH Outcome and Next Steps

Jessica DiToro and Jane Clary provided the Board with a [Memo](#) updating on the Lake Nutrients RMH outcome. At the beginning of the Lakes Nutrients Rulemaking Hearing (RMH) process in the summer of 2022, CCBWQA requested a delayed effective date of December 31, 2025 to allow time to develop site specific standards. Although the Water Quality Control Division (Division) originally opposed this request, in its Consolidated Proposal released on April 3, 2023, the Division proposed a major change in direction for standards adoption that would result in TP and TN standards only being adopted in high priority lakes located upstream of qualified dischargers (i.e., domestic wastewater treatment facilities). The Consolidated Proposal specifically stated that the Division was no longer proposing for TN or TP standards adoption in Cherry Creek Reservoir at the April 2023 RMH. This change effectively addressed CCBWQA's request. The Division's redlines to Regulation 38 regarding Cherry Creek Reservoir are presented in the memo.

The Lakes Nutrients RMH was held on April 10-12, 2023 in a hybrid format. Jane Clary testified in person on the CCBWQA's behalf on the morning of April 11, 2023 with support from Erin Stewart and Andrea Bronson virtually.

After more than two days of oral testimony, the Water Quality Control Commission moved to adopt the Division's Consolidated Proposal, meaning TP and TN standards were not adopted for Cherry Creek Reservoir.

Next Steps: Work with Hydros to develop site-specific nutrient standards for Cherry Creek Reservoir so that a proposal will be ripe for the 2027 RMH. Additional discussions with Hydros and the TAC may be warranted regarding timing of the reservoir model update relative to development of a site-specific standards proposal, given that additional time is available (2027 rulemaking instead of 2025).

c. Reservoir Destratification System (RDS) Start-up Update

Rick Goncalves provided an update to the Board regarding the [RDS Maintenance Report](#) detailing activities and maintenance needed to ensure a successful start-up of the RDS.

As of April 17, 2023 the system is operating in good condition.

Revisions to the shutdown procedures will be implemented at the end of the operating season to facilitate a smoother startup next year.

d. Peoria Pond Maintenance Agreement Update

Rich Borchardt and Jane Clary updated the Board that CCBWQA is working with SEMSWA, MHFD, and Greenwood Village to develop a maintenance agreement for the pond to make sure responsibilities are clearly outlined among the parties. An update on this process will be provided at the May Board meeting.

e. Control Regulation 72 Information Hearing Outcome Memo

Jessica DiToro and Jane Clary provided a [Memo](#) to the Board with an update on the CR 72 Informational Hearing on April 10, 2023. As part of this Informational Hearing, CCBWQA provided a letter to the Water Quality Control Commission (WQCC) on January 23, 2023. The other parties that submitted letters and provided oral comments to the WQCC were: 1) Water Quality Control Division (WQCD), and 2) PWSD and Castle Rock, who submitted a joint letter. The comments are summarized in the memo and can be reviewed on the [WQCC's Google Drive](#)

Jane Clary represented CCBWQA at the Informational Hearing and stated that CCBWQA does not intend to be a proponent to a CR 72 RMH, but if a RMH is scheduled, that CCBWQA will participate as a party to the RMH. She also stated that the CCBWQA Board has not yet taken a position on PWSD and Castle Rock's proposal.

The WQCC granted PWSD and Castle Rock's request to set a limited scope RMH for the issue as discussed. The RMH will be scheduled in early 2024, with the exact date to be determined. The stakeholder process is expected to begin in May of 2023.

5. Presentations

a. Parker Water and Sanitation/Castle Rock CR 72 Proposal

Rebecca Tejada and Mike Smith with Parker Water and Sanitation provided a [Presentation](#) on their request for removing nutrient limits from construction dewatering permits in Regulation 72 in the limited scope RMH in 2024.

Discussion included:

- Cost per pound of phosphorus removed is very significant under the current requirements. Sediment control is still required during all construction projects.
- The CCBWQA Board purview is focused on protecting water quality and our statute limits how funds can be expended, particularly if proposed changes adversely affect water quality.
- The Board would like to see data or information that shows that dewatering exemptions for the 0.05 mg/L TP limit don't negatively impact water quality.
- The Reg. 72 hearing is set for spring 2024 and the CCBWQA can take no action, oppose, support, or propose modifications to PWSD and Castle Rock's proposal. At this time, there is not Board consensus on a formal position by CCBWQA on this issue. A benefit to having CCBWQA staff engage during the

stakeholder process would be suggestions for BMPs, upper effluent limits (other than 0.05 mg/L) or other requirements.

- This topic will be brought back to the Board for action in May to discuss what the CCBWQA's involvement should be in the stakeholder meetings and for direction regarding staff involvement.

b. Water Quality Standards 101

Moved to a later meeting.

6. Board Member Items

a. [Board Binder](#)

7. Updates

a. Technical Manager (Clary)

i. TAC Subcommittees

b. Cherry Creek Stewardship Partners Update and [Events](#) (Davenhill)

i. Cherry Creek Watershed Conference - August 24, 2023 at the Parker Arts, Culture, and Events Center

USACE outreach in conjunction with the 2024 dam release.

Landscape turf replacement program update.

Urban landscape task force created by the governor. Stewardship Partners are engaging with these conversations.

c. TAC (Erickson)

d. Contract Staff (see enclosed memos)

i. PAPM

a. [CIP Status Report](#) (Borchardt)

b. Maintenance and Operations Status Report (Goncalves)

ii. [Water Quality Update](#) (Stewart)

Erin provided a brief update on activities taking place in other watershed groups and briefly summarized the emerging technologies topics presented at the CLRMA luncheon. Nutrient remediation projects using lanthanum to bind phosphorus in Sloan's Lake (Denver Parks and Rec) and two tributaries in the Bear Creek Watershed have been very successful.

iii. Regulatory (DiToro)

iv. Land Use Referrals - [2023 Tracking](#) (Endyk)

e. Legal

No report

f. Other - Reminder of Watershed Plan Process Workshop - September 21, 2023 8:30-11:30 am

8. Executive Session pursuant to Section 24-6-402(4) C.R.S., if necessary.

9. Adjournment

There being no further business to come before the Board, Director Rivero adjourned the meeting at 11:09 am.

Cherry Creek Basin Water Quality Authority
Schedule of Cash Position
March 31, 2023
as of May 11, 2023

	<u>General Fund</u>	<u>Pollution Abatement Fund</u>	<u>Enterprise Fund</u>	<u>Total</u>
<u>1st Bank - Checking Account</u>				
Balance as of 03/31/23	\$ 29,838.37	\$ 20,699.98	\$ 9,490.00	\$ 60,028.35
Subsequent activities:				
04/05/23 Alpine Trophoes VISA	(14.59)	-	-	(14.59)
04/05/23 Get Stream Online VISA	(200.00)	-	-	(200.00)
04/21/23 Jason Deli VISA	(93.75)	-	-	(93.75)
04/25/23 Monthly Transfer for AP	40,000.00	25,000.00	25,000.00	90,000.00
04/25/23 Verizon ACH	(51.45)	-	-	(51.45)
04/26/23 Bill.com Payment	(43,297.76)	(14,723.75)	(28,397.86)	(86,419.37)
04/30/23 Interest Income	4.87	-	-	4.87
05/08/23 R2R Engineers Payment	(5,996.25)	(16,938.90)	-	(22,935.15)
<i>Anticipated Activities</i>				
<i>Transfer from ColoTrust for bills</i>	77,000.00	628,000.00	5,000.00	710,000.00
<i>Bill.com open claims</i>	(73,651.99)	(620,244.98)	(3,339.75)	(697,236.72)
<i>Anticipated balance</i>	<u>\$ 23,537.45</u>	<u>\$ 21,792.35</u>	<u>\$ 7,752.39</u>	<u>\$ 53,082.19</u>
<u>ColoTrust General - (8001)</u>				
Balance as of 03/31/23	\$ 950,349.69	\$ 2,739,536.64	\$ 1,530,942.75	\$ 5,220,829.08
Subsequent activities:				
04/07/23 Refund from CSDP Ins*	76.00	-	-	76.00
04/10/23 Ptax Arapahoe (Mar)	92,970.16	-	-	92,970.16
04/10/23 Ptax Douglas (Mar)	71,594.71	-	-	71,594.71
04/25/23 Monthly Transfer for AP	(40,000.00)	(25,000.00)	(25,000.00)	(90,000.00)
04/30/23 Deposits Dev Checks	-	-	31,601.03	31,601.03
04/30/23 Interest Income	22,060.43	-	-	22,060.43
04/30/23 Revenue Allocation	(111,975.18)	133,512.59	(21,537.41)	-
<i>Anticipated Activities</i>				
<i>Ptax Arapahoe Cty (Apr)</i>	221,026.32	-	-	221,026.32
<i>Ptax Douglas Cty (Apr)</i>	286,359.70	-	-	286,359.70
<i>Development fees deposits to date</i>	-	-	15,625.44	15,625.44
<i>Monthly Transfer for AP</i>	(77,000.00)	(628,000.00)	(5,000.00)	(710,000.00)
<i>Anticipated balance</i>	<u>\$ 1,415,461.83</u>	<u>\$ 2,220,049.23</u>	<u>\$ 1,526,631.81</u>	<u>\$ 5,162,142.87</u>
<u>ColoTrust Pollution Abatement - (8002)</u>				
Balance as of 03/31/23	\$ -	\$ 55,036.19	\$ -	\$ 55,036.19
Subsequent activities:				
04/30/23 Interest Income	-	227.85	-	227.85
<i>Anticipated balance</i>	<u>\$ -</u>	<u>\$ 55,264.04</u>	<u>\$ -</u>	<u>\$ 55,264.04</u>
<u>CSAFE - Savings Account</u>				
Balance as of 03/31/23	\$ 859,161.30	\$ 42,246.04	\$ 370,439.36	\$ 1,271,846.70
Subsequent activities:				
04/30/23 Interest Income	-	-	5,163.79	5,163.79
<i>Anticipated balance</i>	<u>\$ 859,161.30</u>	<u>\$ 42,246.04</u>	<u>\$ 375,603.15</u>	<u>\$ 1,277,010.49</u>
<i>Total funds available as of date above</i>	<u><u>\$ 2,298,160.58</u></u>	<u><u>\$ 2,339,351.66</u></u>	<u><u>\$ 1,909,987.35</u></u>	<u><u>\$ 6,547,499.59</u></u>
<u>Effective monthly yield (as of 4/30/2023)</u>				
1st Bank - 0.100%* if Balance >\$20,000				
ColoTrust Plus - 5.0273%				
CSAFE - 4.93%				

No assurance is provided on these financial statements. Substantially all required disclosures, the government-wide financial statements, and the statement of revenues, expenditures and changes in fund balances – governmental funds have been omitted.

Cherry Creek Basin Water Quality Authority
Paid Claims April 10, 2023 through May 10, 2023

Process Date	Vendor	Invoice Number	Payment Reference	Amount
4/26/2023	CliftonLarsonAllen LLP	3647310	P23042501 - 9219171	\$ 3,362.34
4/26/2023	Collins Cole Flynn Winn & Ulmer, PLLC	3391	P23042501 - 9219227	7,426.00
4/26/2023	Davis Graham & Stubbs LLP	846995	P23042501 - 9219045	2,220.50
4/26/2023	LRE Water	22588	P23042501 - 9219123	22,763.67
4/26/2023	Muller Engineering Company	Multiple	P23042501 - 9219031	25,529.86
4/26/2023	Pinpoint Systems Inc.	9837	P23042501 - 9219233	453.75
4/26/2023	RESPEC	INV-0223-986	P23042501 - 9219120	2,893.00
4/26/2023	RG and Associates LLC	153045	P23042501 - 9219238	2,103.75
4/26/2023	Valerie Endyk	15	P23042501 - 9219128	3,862.50
4/26/2023	Wright Water Engineers, Inc.	Multiple	P23042501 - 9219037	15,804.00
5/8/2023	R2R Engineers, Inc.	2023-03	P23050501 - 1976140	22,935.15
			Subtotal	\$ 109,354.52
Other Payments				
4/21/2023	Jason's Deli	-	Visa	93.75
4/25/2023	Verizon	-	ACH	51.45
5/2/2023	Get Streamline.com Website	-	Visa	200.00
			Subtotal	\$ 345.20
			Total Payments	\$ 109,699.72

**Cherry Creek Basin Water Quality Authority
Unpaid Claims as of 05/12/23**

Date	Vendor*	Invoice #	Account Description	Amount
4/30/2023	53 Corporation, LLC	PayApp3	117803 - Stream Reclamation - CC 12-Mile Park	\$ 18,582.77
4/17/2023	B & RW Construction Co., Inc.	2023	117726 - RDS Rehabilitation	1,150.00
4/21/2023	CH2M Hill - Jacobs Engineering	D3150300-040	117803 - Stream Reclamation - CC 12-Mile Park	280.00
4/30/2023	CliftonLarsonAllen LLP	3716716	107000 - Accounting	3,834.29
4/30/2023	Collins Cole Flynn Winn & Ulmer, PLLC	3515	107460 - Legal services	9,000.00
4/30/2023	Davis Graham & Stubbs LLP	848919	107050 - Regulatory Support	10,390.50
3/31/2023	Davis Graham & Stubbs LLP	847896	107050 - Regulatory Support	5,929.00
4/30/2023	Hydros Consulting Inc.	547-002	117440 - Management/administration	845.00
3/31/2023	Hydros Consulting Inc.	547-001	117440 - Management/administration	327.60
4/30/2023	LRE Water	#22814	107999 - General Fund accounts	28,462.45
4/30/2023	LRE Water	#22814	117712 - Wetlands Harvesting	483.75
4/20/2023	Muller Engineering Company	36390	407720 - Reservoir to 12-Mile Park Study	2,619.00
4/30/2023	Pinpoint Systems Inc.	9888	107481 - Office expense	258.75
4/30/2023	R2R Engineers, Inc.	2023-04	107440 - Management/administration	5,752.50
4/30/2023	R2R Engineers, Inc.	2023-04	117440 - Management/administration	14,217.41
3/31/2023	RESPEC	INV-0323-1465	117440 - Management/administration	900.00
3/31/2023	RESPEC	INV-0323-1464	117728 - Reservoir Shoreline Stabilization - East Shade Shelter	1,027.25
4/30/2023	RG and Associates LLC	153145	107999 - General Fund accounts	1,237.50
4/30/2023	RG and Associates LLC	153145	117999 - PA Fund accounts	3,341.25
2/27/2023	Special District Association	34871	107350 - Dues and licenses	1,237.50
5/4/2023	The Villager Legals	INV-11204	117803 - Stream Reclamation - CC 12-Mile Park	71.52
5/9/2023	Urban Drainage and Flood Control District	INV02925	117884 - Stream reclamation - CC Dransfeldt Road	570,000.00
4/25/2023	Valerie Endyk	16	107010 - Administrative Assistant	4,200.00
4/30/2023	Wright Water Engineers, Inc.	66604	107050 - Regulatory Support	3,349.50
4/30/2023	Wright Water Engineers, Inc.	66604	117440 - Management/administration	8,030.00
4/30/2023	Wright Water Engineers, Inc.	66605	407736 - Special Studies/Projects: BMP Effectiveness	720.75
4/5/2023	*Xcel Energy	827145313	117701 - Utilities - Reservoir Destratification	988.43
Total Claims				<u>\$ 697,236.72</u>
General Fund				\$ 73,651.99
Pollution Abatement Fund				620,244.98
Enterprise Fund				3,339.75
Total Claims by Funding Source				<u>\$ 697,236.72</u>

* by vendor



ACTION ITEM MEMORANDUM

To: CCBWQA Board of Directors
From: Jessica DiToro, PE, LRE Water and Jane Clary, Wright Water Engineers
Date: May 18, 2023
Subject: Parker Water and Sanitation District and City of Castle Rock's Control Regulation 72 Proposal

Request: That the CCBWQA Board of Directors directs the CCBWQA TAC to review Parker Water and Sanitation District (PWSD) and the Town of Castle Rock's (Castle Rock) proposal regarding changes to dewatering permit limits for total phosphorus in Control Regulation 72 (CR 72) and provide a recommendation to the Board of Directors regarding CCBWQA's involvement and position on this issue in the forthcoming CR 72 rulemaking hearing (RMH) and stakeholder process proposed by PWSD and Castle Rock.

Issue: CCBWQA participated in the CR 72 Informational Hearing that was held on April 10, 2023. As part of this Informational Hearing, CCBWQA provided a letter to the Water Quality Control Commission (WQCC) on January 23, 2023. The other parties that submitted letters and provided oral comments to the WQCC were: 1) Water Quality Control Division (WQCD), and 2) PWSD and Castle Rock, who submitted a joint letter. The comments are summarized below and can be reviewed on the [WQCC's Google Drive](#):

- **WQCD:** The WQCD is not proposing a CR 72 RMH at this time. The WQCD is aware of PWSD and Castle Rock's proposal, but at this time the WQCD has no current position on their proposal, but WQCD stated in their written comments that they "...would be ok..." with a limited scope RMH.
- **PWSD and Castle Rock:** PWSD and Castle Rock requested that the WQCC set a limited scope RMH for CR 72 to review the construction dewatering discharge limit for TP of 0.05 mg/L. PWSD and Castle Rock are proposing to add the *following language* to CR 72.4:

4. No industrial process wastewater source or wastewater facility within the Cherry Creek watershed shall discharge an effluent with a total phosphorus concentration greater than 0.05 mg/l total phosphorus as a 30-day average except that, at the request of a permittee, the Division is authorized to allow up to a 90-day averaging period for this limit in the discharge permit or in the notice of authorization issued pursuant to Commission Regulation #84. . . .

a. Consistent with Regulation 85.5(3)(b)(iii), the numerical effluent limitations set forth in section 72.4 shall not apply where discharges consist solely of ground water that is pumped for the purpose of dewatering a construction site or for building sumps so long as no phosphorus or nitrogen is added to the ground water being discharged.

- **CCBWQA:** Jane Clary represented CCBWQA and stated that CCBWQA does not intend to be a proponent to a CR 72 RMH, but if a RMH is scheduled, that CCBWQA will participate as a party to the RMH. Ms. Clary also stated that the CCBWQA Board has not yet taken a position on PWSD and Castle Rock's proposal.

The WQCC granted PWSD and Castle Rock's request to set a limited scope RMH for the issue as discussed. The RMH has been scheduled for February of 2024.

PWSD and Castle Rock presented their proposal to the CCBWQA Board on April 20, 2023.

Staff is seeking direction from the Board on how Staff and the TAC should move forward with this issue, as the stakeholder process is expected to begin in on June 6, 2023, before the next Board meeting on June 15, 2023.

Budget: Participation in this stakeholder and RMH effort is covered under the current CCBWQA regulatory budget for fiscal year 2023.

Motion: I move that the CCBWQA TAC review PWSD and Castle Rock's proposal regarding changes to dewatering permit limits for total phosphorus in CR 72 and provide a recommendation to the Board of Directors regarding CCBWQA's involvement and position on this issue in the forthcoming CR 72 RMH and stakeholder process proposed by PWSD and Castle Rock.

Next Steps: If the motion passes, the CCBWQA TAC will review this issue and provide a recommendation to the Board on how to proceed, with support from CCBWQA staff. At a future meeting to be determined, CCBWQA Board will need to make a decision on the CCBWQA's position on this issue. Potential CCBWQA positions could include: 1) support; 2) oppose; 3) no position; or 4) proposed modifications.

CCBWQA staff will participate in the CR 72 stakeholder process that was proposed by PWSD and Castle Rock leading up to the formal RMH process. The first virtual meeting is scheduled for June 6, 2023.

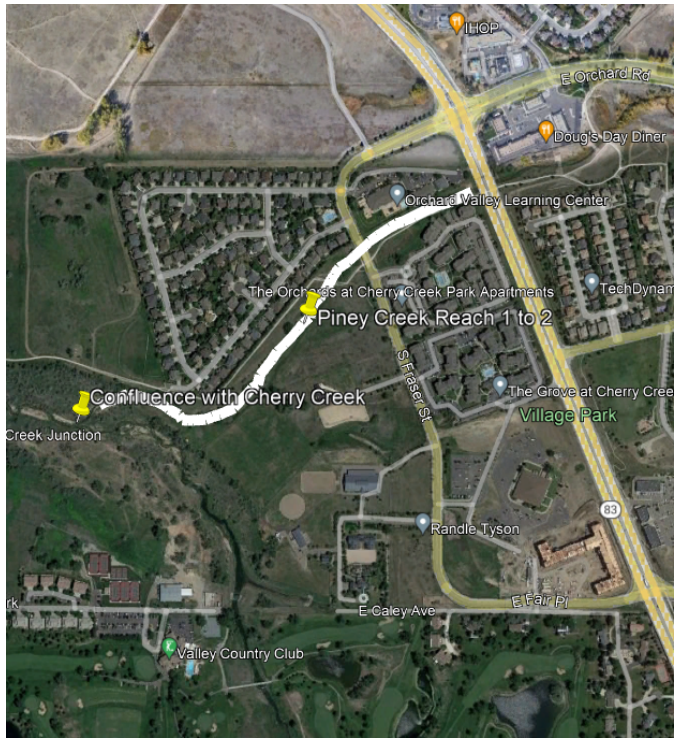


ACTION ITEM MEMORANDUM

To: CCBWQA Board of Directors
 From: Richard Borchardt, Pollution Abatement Project Manager
 Date: May 18, 2023
 Subject: Piney Creek Reaches 1 and 2 IGA Amendment

Request: The Board authorize the preparation of the Amendment to Intergovernmental Agreement for the Stream Reclamation on Piney Creek Reaches 1 and 2 that increases the Authority’s contribution to the project by an amount not to exceed \$63,000, and to authorize a member of the executive committee to execute the IGA Amendment.

Project: The Project is located on Piney Creek between the confluence of Cherry Creek and Parker Road in the City of Centennial and Arapahoe County (Project, see figure on right). It is a partner project with the Southeast Metro Stormwater Authority (SEMSWA) which is the project lead. The proposed stream reclamation benefits the water quality in Piney Creek and the Cherry Creek Reservoir by reducing bed and bank erosion which immobilizes Phosphorus in the adjacent soils. It is estimated that this 0.55 mile long-project will immobilize 49 pounds of phosphorus annually. CCBWQA had a workshop on March 16, 2023 which included the Project and reinforced its priority and importance to the whole system.



Funding: The IGA Amendment would include additional funding of \$252,000 (\$63,000 CCBWQA which is in the 2023 approved budget and \$189,000 SEMSWA). The IGA Amendment would include total funding of \$404,000. The table below provides a breakdown of funding by sponsors and shows CCBWQA’s participation is 25% which is consistent with the limit historically used on partner projects. Additional IGA Amendments are anticipated to bring in future funding from the sponsors’ capital improvement programs which currently include funding through 2028, when construction is anticipated.

Funding Source	2022		2023	
	Funding	Project Sponsor %	Additional Annual Funding	Cumulative Project Funding
SEMSWA	\$114,000	75%	\$189,000	\$303,000
CCBWQA	\$38,000	25%	\$63,000	\$101,000
Total	\$152,000	100%	\$252,000	\$404,000

TAC Review: TAC recommended that the Board authorize the preparation of the IGA Amendment for the Stream Reclamation on Piney Creek Reaches 1 and 2, an expenditure for an amount not to exceed \$63,000, and a member of the executive committee to execute the IGA Amendment.

Budget: CCBWQA's 2023 Budget includes \$63,000 for this Project.

Motion: I move to authorize the preparation of the Amendment to Intergovernmental Agreement for the Stream Reclamation on Piney Creek Reaches 1 and 2 that increases the Authority's contribution to the project by an amount not to exceed \$63,000, and to authorize a member of the executive committee to execute the IGA Amendment.



Photo of Piney Creek downstream of Fraser Street (courtesy of Muller Engineering)



Photo of Piney Creek in Cherry Creek State Park (courtesy of Muller Engineering)



ACTION ITEM MEMORANDUM

To: CCBWQA Board of Directors
From: Richard Borchardt, Pollution Abatement Project Manager
Date: May 18, 2023
Subject: RESPEC's Amendment for East Shade Shelters Phase 3 and Tower Loop Phase 2

Request: The Board to approve RESPEC's scope of work for Additional Services for an amount not to exceed \$42,619 and to authorize legal counsel to prepare the necessary RESPEC contract amendment.

Project: The East Shade Shelters Phase 3 and Tower Loop Phase 2 Shoreline Stabilization Projects are located on the east shoreline of Cherry Creek Reservoir (Projects, see figure on right). The proposed shoreline stabilization benefits the water quality in Cherry Creek Reservoir by reducing bank erosion which immobilizes phosphorus in the adjacent soils. It is estimated that these projects totaling 1,100 feet of shoreline will immobilize 123 pounds of phosphorus annually.



Background: In May 2021, CCBWQA selected RESPEC for design services through a competitive proposal process. In November 2022, RESPEC provided a Preliminary Plans and Design Report for these two areas and an updated estimated construction cost of \$790,100 for Tower Loop and \$879,900 for East Shade Shelters (\$1.670M combined). The Projects were initially budgeted for \$1.045M; therefore, the scope, scale, and costs of the Projects is significantly higher than anticipated (by ~\$625,000). As a result, a value engineering meeting was held with RESPEC, CCBWQA, and Colorado Parks and Wildlife (CPW) in February 2023 to identify potential cost savings, prioritize resources, and investigate alternative funding sources from CPW. The value engineering process concluded that the East Shade Shelter Phase III Project is a higher priority because the erosion is more severe, the risk to adjacent infrastructure is greater, and it is a higher use area within the park. RESPEC has prepared the attached scope of work and fee for a cost of \$42,619 which implements the recommendations from the value engineering and additional items that were not anticipated in their original scope of work. I believe that RESPEC's fees are in alignment with current market conditions and are reasonable for their scope of work (see Table 1 for more information). I would anticipate the design cost to be around 15% of the project cost for this size

of these Projects, since the design percentage of drops from 13.5% to 11.1%, this amendment seems reasonable.

Table 1. Comparison of Original 2021 Contract to Proposed 2023 Contract by Design and Construction Costs

Contracts	Design Cost	Design % of Total Project Cost	Construction Cost	Project Cost
2021 – Original Contract	\$141,000	13.5%	\$1,004,000	\$1,045,000
Proposed 2023 – Original Contract, plus Amendment, plus cost of Final Design of Tower Loop ¹	\$212,000	11.1%	\$1,670,000	\$1,910,000

TAC Review: TAC recommended that the Board approve RESPEC’s scope of work for Additional Services and authorize legal counsel to prepare the necessary consulting amendment for an amount not to exceed \$42,619.

Budget: CCBWQA’s Budget includes \$559,000 for Reservoir Shoreline Stabilization - East Shade Shelter, so there is sufficient funding for this amendment. Since the construction is delayed and the Projects cost of \$1,910,000 exceeds the \$1,821,000 that is currently included in the CIP, the Projects will need to be adjusted during CCBWQA’s upcoming Budget and CIP cycle. Ideally, the value engineering efforts will bring the total Projects cost back in line with CIP funding and it will only be a schedule adjustment.

Motion: **I move to approve RESPEC’s scope of work for Additional Services for an amount not to exceed \$42,619 and to authorize legal counsel to prepare the necessary RESPEC contract amendment.**



Photo of Tower Loop Shoreline Erosion – Courtesy of RESPEC

¹ Since this amendment eliminated Final Design for Tower Loop, the cost to complete the Tower Loop design was estimated as \$27,907 and included in the proposed 2023 Design Cost to provide a more accurate comparison.



Photo of East Shade Shelters Shoreline Erosion – Courtesy of RESPEC



Photo of East Shade Shelters Shoreline Erosion – Courtesy of RESPEC



April 27, 2023

Manager
CCBWQA
P.O. Box 3166
Centennial, Colorado 80161

(via e-mail: manager@ccbwwqa.org; cc: rborchardt@r2engineers.com,
clary@wrightwater.com)

RE: East Shade Structures and Tower Loop Additional Services Proposal

Dear CCBWQA Manager:

RESPEC is pleased to present this letter proposal to the Cherry Creek Basin Water Quality Authority (CCBWQA) to provide additional design services for the East Shade Shelters and Tower Loop shoreline stabilization pollution reduction facilities at Cherry Creek State Park. A brief project history and the objectives of the additional services are included in this memo. This proposal is based on our recent conversations and emails.

PROJECT DESCRIPTION & HISTORY

The CCBWQA originally contracted with RESPEC to evaluate the East Shade Shelters and Tower Loop sites at the Cherry Creek State Park for their potential to discharge phosphorus and other contaminants into the Cherry Creek Reservoir and to design improvements to those sites to limit this potential. It was known to both RESPEC and the CCBWQA that the originally proposed scope of the project may need to be adjusted as the site investigation and design proceeded and as the CCBWQA refined its understanding of the project site and associated goals.

Upon submittal of the 30% design plans and construction costs estimate, the CCBWQA determined that additional services and a shift in scope were needed. Below is a summary of additional services and other changes to the original scope that are proposed by this amendment.

SCOPE OF SERVICES

TASK A1—ADDITIONAL PROJECT COORDINATION

The length of the project schedule exceeded what was originally proposed for multiple reasons. As the schedule lengthens, additional time is spent on coordination and meetings with project stakeholders, site visits, and developing submittals. Task A1 captures the additional costs that have been or are anticipated to be incurred for these aspects of the project as well as for a tree survey that was conducted together with Corvus Environmental Consulting, LLC (Corvus), our environmental subconsultant, to determine the obstacles that trees may present at the site as well as to evaluate the ability to use existing trees as a mechanism to prevent access to existing habit paths.

TASK A2—REVISED DESIGN SCOPE

RESPEC completed additional analysis and design for various options at both the East Shade Structures and Tower Loop sites based on feedback from stakeholders. This amendment proposal assumes that the design plans for the Tower Loop site will be refined to include

720 SOUTH COLORADO BLVD.
SUITE 410 S
DENVER, CO 80246
303.757.3655



value engineering and a new cost estimate provided, but that the Tower Loop site will not be taken to final construction plans at this time. Despite this elimination of a final submittal for Tower Loop, additional work beyond a 30% deliverable was completed for this site and additional work remains. Additional work also remains at the East Shade Structures site. Work may be required to separate the plans and estimates into work to be completed and funded by the CCBWQA and work to be completed or funded by Colorado Parks and Wildlife. The level of effort required for this aspect of the design is unclear, but some of this work has been completed. A small contingency has been added to our initial estimate of this work to provide flexibility. Finally, a contingency has been added to account for design changes that may occur due to the findings of the phosphorus sampling that is being conducted by others.

TASK A3—ENVIRONMENTAL SERVICES

Corvus has completed additional services beyond the original scope, including additional project coordination and management and on-site tree assessment and mapping services. Additionally, they have added seed and planting tables to their services, which were not originally included as it wasn't clear it would be needed. Their detailed scope and fee proposal for this amendment is attached to this memo.

TASK A4—CONSTRUCTION COST ESTIMATING SERVICES

Given the current volatility in construction costs, RESPEC proposes using a subconsultant to provide the CCBWQA with a more accurate construction cost estimate. RESPEC has used Canterbury Construction Management Services, Inc. (CCMS) on past projects and recommends their services for this project. CCMS have been provided with the 30% plan set and a detailed scoping meeting was held to provide them with insight into project history and development. Their scope and fee proposal for this amendment is attached to this memo.

COMPENSATION

RESPEC will invoice monthly for the work performed during the prior month in accordance with the Consultant's current hourly rate schedule. The total fee for these additional services is included in the attachments.

ANTICIPATED SCHEDULE

We anticipate that upon NTP for this amendment that CCMS and Corvus can begin work on their scopes of work immediately. RESPEC will work with the CCBWQA to determine the additional plan revisions at the East Shade Shelters site based on the findings of the phosphorus samplings, cost estimate from CCMS, and available funding.

Thank you for the opportunity to present our proposal. If you have any questions about the information presented herein or would like to discuss how RESPEC can provide assistance, please contact Ms. Jessica Nolle by telephone (720.775.6412) or email (Jessica.Nolle@respec.com).

Sincerely,

Jessica Nolle, PE, CFM
Senior Project Manager

RESPEC Company, Inc. - Professional Services Fee Amendment 1 Proposal
 East Shade Shelters and Tower Loop Shoreline Stabilization
 4/27/2023

Labor Detail and Summary of Direct Costs by Task

Task	Description	RESPEC							Total RESPEC Hours	RESPEC Labor Cost	Subconsultants / Direct Costs	Grand Total Costs
		Project Executive	Project Manager	Project Engineer	Design Engineer	Engineering Tech	Clerical					
	<i>Hourly Rate</i>	\$225	\$190	\$135	\$125	\$105	\$70					
A1	Additional Project Coordination											
	Additional Project Coordination	4	18					22	\$4,320		\$4,320	
	Tree Survey & Processing				24			24	\$3,000	\$50	\$3,050	
	Subtotal	4	18	0	24	0	0	46	\$7,320	\$50	\$7,370	
A2	Revised Design Scope											
	Additional Analysis & Research		4		16			20	\$2,760		\$2,760	
	Additional Concept Development	2	4		10			16	\$2,460		\$2,460	
	Additional Plan & Cost Revision	2	6		24	12		44	\$5,850		\$5,850	
	Costs Sharing Contingency	2	6		14			22	\$3,340		\$3,340	
	Phosphorus Findings Contingency	2	12		18			32	\$4,980		\$4,980	
	Subtotal	8	32	0	82	12	0	134	\$19,390	\$0	\$19,390	
A3	Environmental Services (Corvus)											
	Project Coordination and Management									\$863	\$863	
	Tree Assessment / Mapping									\$3,938	\$3,938	
	Seed and Planting Tables									\$3,058	\$3,058	
	Equipment & Mileage									\$400	\$400	
	Subtotal	0	0	0	0	0	0	0	\$0	\$8,259	\$8,259	
A4	Cost Estimating (CCMS)											
	Opinion of Probable Cost							0		\$7,600	\$7,600	
	Subtotal	0	0	0	0	0	0	0	\$0	\$7,600	\$7,600	
	Total	12	50	0	106	12	0	180	26,710	15,909	42,619	

Statement of Work for Cherry Creek Reservoir East Shade Shelters and Tower Loop

Modification Request No 1

October 6, 2022

Presented to:

RESPEC

Prepared by:



CORVUS

Environmental Consulting LLC

Project Information Summary

CORVUS Client Name	RESPEC
Client Project Manager	Jessie Nolle
Project Name	CCESTL
Project Purpose	Bank stabilization for water quality improvements.
Location	Cherry Creek Reservoir – East Shade Shelters and Tower Loop
CORVUS Project Role	<p>CORVUS' role will be to implement a Clean Water Act (CWA) Section 404 permitting approach for impacts to jurisdictional waters of the U.S.</p> <p>CORVUS will lead U.S. Fish and Wildlife Service (USFWS) Endangered Species Act compliance as part of Section 7 consultation for 404 permitting.</p> <p>CORVUS will also assist with planning, mapping trees in impact areas, and restoration specifications.</p>

Tasks

Tasks with no new budget proposed under this scope are shown in lighter font color below.

Task 1. Delineation of Waters of the U.S. – CORVUS will conduct a site visit to delineate assumed Waters of the U.S. (WOTUS) including open waters and wetlands. This task includes finalizing wetland data forms, and GPS/GIS data collected. CORVUS will provide the Client with a geo-referenced file of the delineation boundaries for use by the Client in project base mapping and impact calculations.

Task 2. Endangered Species Act Compliance – CORVUS will assess the study area for the potential to support species listed as threatened or endangered (T&E) under the Endangered Species Act and will include the results in a section of the submittal to the USACE.

Based on current knowledge of the study area, CORVUS assumes that suitable habitat for T&E species is not present and presence/absence surveys will not be required.

CORVUS further assumes that improvements will not trigger the need for consultation regarding depletions to the Platte River system. If depletions consultation is required, CORVUS will discuss with the Client Project Manager and determine a revised statement of work (SOW). CORVUS will summarize the findings in the submittal to the Corps and will not submit directly to the U.S. Fish and Wildlife Service.

Task 3 - Agency Coordination (pre and post submittal) – CORVUS will coordinate with the USACE, both the permitting office, and real property office. This task also includes time for coordination with other agencies such as CO Parks and Wildlife or US Fish and Wildlife.

Task 4. Pre-construction Notification (PCN) and 408 Coordination – Once impacts have been identified (generally when the project is near 60% design), and after coordination with USACE, CORVUS will prepare and submit a PCN requesting authorization using a regional general or nationwide permit. The PCN submittal will include project plans and impacts to jurisdictional areas prepared by the Client.

This task includes one round of revisions to the submittal package based on Client comments. This task also includes responding to USACE requests for additional information.

If the USACE determines the work will require an Individual Permit application, CORVUS will prepare a revised scope and fee.

Task 5. Survey, Document, and Record Potential Historic Properties (performed by PaleoWest Archaeology) – As part of the CWA Section 404 compliance process, the USACE must comply with Section 106 of the National Historic Preservation Act (NHPA). To do this, the USACE typically requires prospective permittees to submit the results of a survey for potential historic properties in the USACE permit area [also known as the area of potential effect (APE)]. Potential historic properties include archaeological sites, farmsteads, irrigation ditches, transmission lines, and railroads.

Since Cherry Creek Reservoir has been previously disturbed and the immediate work area does not appear to contain structures 50 years or older, CORVUS believes that a file search will be sufficient for

Section 106 compliance. A few hours have been included for high-level coordination regarding documenting the lack of historic features.

Task 6. Project Coordination and Management – This task includes general coordination with the team, including up to four meetings, and time spent by CORVUS on quality control, project set up, and managing project budget, schedule, and billing.

Task 7 – Tree Assessment / Mapping – CORVUS will use sub-meter to sub-foot accurate GPS data collectors to map trees with the project impact and staging areas. Trees will be assessed for potential removal and protection. Additional data will also be collected, such as species, height, growth habit, and visible health.

Task 8 – Seed and Planting Tables – CORVUS will provide the following elements to the team for use in the landscape plans:

- 1-3 Native upland grass seed mixes
- Containerized plant list for upland shrubs
- Wetland/riparian grass and forb mix for bio-swale
- Willow planting plan (if applicable)

Deliverables

The following deliverables will be completed for this project:

- Geo-referenced file of WOTUS, including the ordinary high-water mark and wetlands
- PCN Submittal Package
- T&E species habitat assessment section
- Tree Mapping results
- Plant and Seed Mix Tables
- Responses to comments

Assumptions

The following assumptions have been made for this project:

- The Client will be responsible for preparing project plans, including impacts.
- The project may be authorized under a CWA 404 NWP or RGP (not Individual Permit).
- Colorado Stream Quantification Tool (CSQT) will not be required.
- No Class III cultural resource survey will be required (only a Class I file search).
- T&E species habitat is not present and no presence/absence surveys for specific species, nor consultation with Fish and Wildlife Service, will be required.
- Unless otherwise requested by the Client, all CORVUS deliverables will be provided in digital format such as Portable Document Format (PDF), Microsoft Word, or other suitable format.

Change Management Process

In the event revisions to the study area and/or the SOW tasks are determined necessary or desirable, either by CORVUS or the Client, CORVUS will coordinate with the Client Project Manager to determine if a formal request for contract modification is necessary. CORVUS will not perform work not described in this SOW or a revised SOW without written authorization from the Client.

Cost

CORVUS will perform the tasks described for the estimated costs in the attached cost proposal. CORVUS bills on a time-and-materials basis, with expenses such as postage, copies, equipment rental, and subconsultants billed at cost.

Estimate



Date 10-06-2022
Project 21-039 - CC East Shade Shelters and Tower Loop Shoreline Stabilization

Client
RESPEC Engineering
 720 South Colorado Blvd. Suite 410 S
 Denver, CO 80246
 Attn: Jessie Nolle

Project Totals

Task	Estimate	Previous	Grand Total
1 - Site Visit/Waters of US Delineation	\$0.00	\$1,740.00	\$1,740.00
2 - ESA Compliance/Habitat Assessment	\$0.00	\$1,160.00	\$1,160.00
3 - Agency Coordination (pre and post submittal)	\$0.00	\$1,160.00	\$1,160.00
4 - Pre-construction Notification and 408 Coordination	\$0.00	\$3,480.00	\$3,480.00
5 - Historic Properties (Coordination only, no survey)	\$0.00	\$580.00	\$580.00
6 - Project Coordination and Management	\$863.00	\$580.00	\$1,443.00
7 - Tree Assessment / Mapping	\$3,938.00	\$0.00	\$3,938.00
8 - Seed and Planting Tables	\$3,058.00	\$0.00	\$3,058.00
Labor Subtotal	\$7,859.00	\$8,985.00	\$16,559.00
Direct Expenses	\$400.00	\$285.00	\$685.00
Total	\$8,259.00	\$8,985.00	\$17,244.00

Task Details

1 - Site Visit/Waters of US Delineation (T&M)

Staff	Hours	Rate	Value
	0		\$0.00

2 - ESA Compliance/Habitat Assessment (T&M)

Staff	Hours	Rate	Value
	0		\$0.00

3 - Agency Coordination (pre and post submittal) (T&M)

Staff	Hours	Rate	Value
	0		\$0.00

Estimate



4 - Pre-construction Notification and 408 Coordination (T&M)

Staff	Hours	Rate	Value
	0		\$0.00

5 - Historic Properties (Coordination only, no survey) (T&M)

Staff	Hours	Rate	Value
	0		\$0.00

6 - Project Coordination and Management (T&M)

Staff	Hours	Rate	Value
Kelly Anolin - Project Administrator	2	\$80.00	\$160.00
Korby Mintken - Lead Biologist / Project Manager	1	\$123.00	\$123.00
Tim DeMasters - Senior Ecologist/Principal	4	\$145.00	\$580.00
	7		\$863.00

7 - Tree Assessment / Mapping (T&M)

Staff	Hours	Rate	Value
Jimmy Turowsky - Biological Technician	12	\$88.00	\$1,056.00
Korby Mintken - Lead Biologist / Project Manager	14	\$123.00	\$1,722.00
Tim DeMasters - Senior Ecologist/Principal	8	\$145.00	\$1,160.00
	34		\$3,938.00

8 - Seed and Planting Tables (T&M)

Staff	Hours	Rate	Value
Carla DeMasters - Sr. Ecologist/Project Manager	2	\$123.00	\$246.00
Korby Mintken - Lead Biologist / Project Manager	4	\$123.00	\$492.00
Tim DeMasters - Senior Ecologist/Principal	16	\$145.00	\$2,320.00
	22		\$3,058.00

Direct Expenses Details

Direct Expense	Quantity	Price	Total
Sub-meter GPS Unit	2	\$150.00	\$300.00

Estimate



Direct Expense	Quantity	Price	Total
Mileage	160	\$0.62	\$100.00
Subtotal			\$400.00

Labor Total	\$7,859.00
Direct Expenses Total	\$400.00
Total Estimate	\$8,259.00
Previous Contract Amount	\$8,985.00
Grand Total Budget	\$17,244.00



CANTERBURY CMS, INC
260 E GEDDES AVE
CENTENNIAL, CO 80122
303-396-9930
BILL@CANTERBURYCMS.COM

March 21, 2023

Jessie,

Thank you for the opportunity to propose on your project.

The following is our proposal for the Cherry Creek East Shade Structures & Tower Loop Shoreline Stabilization Opinion of Probable Cost (OPC):

AACEi Class 3 Opinion of Probable Cost (30% design definition)- \$7,600

1. OPC- \$7,600.00
 - a. OPC (Canterbury CMS, Inc)- \$4,400 (hourly)
 - b. Earthwork Subconsultant (T.B.L. Excavating, Inc)- \$3,200 (hourly)

Total Cost= \$7,600

We would be able to deliver this project at the end of April.

Thank you and please do not hesitate to call if you have any additional questions,

A handwritten signature in blue ink, appearing to read 'Bill Canterbury', is written over a light blue horizontal line.

Bill Canterbury
President

**RESTATED AND AMENDED BYLAWS
(REVISED APRIL 15, 2010 AND JULY 21, 2011)
OF THE
CHERRY CREEK BASIN WATER QUALITY AUTHORITY**

**ARTICLE I.
STATEMENT OF PURPOSE**

The statutory purpose and focus of the Cherry Creek Basin Water Quality Authority (“Authority”) is to improve, protect and preserve the water quality of Cherry Creek and the Cherry Creek Reservoir, and as enumerated in Section 25-8.5-101 et seq., C.R.S., as amended, to:

1. Exist for the public benefit and advantage of the people of the State of Colorado;
2. Benefit the inhabitants and landowners within the boundaries of the Authority by preserving water quality in Cherry Creek and Cherry Creek Reservoir;
3. Benefit the people of the State of Colorado by preserving waters for recreation, fisheries, water supplies, and other beneficial uses;
4. Promote the health, safety and welfare of the people of the State of Colorado;
5. Provide for effective efforts by the various counties, municipalities, special districts, and landowners within the boundary of the Authority in the protection of water quality; and
6. Provide that new development and construction pay its equitable proportion of the cost for water quality preservation and facilities.

**ARTICLE II.
MEMBERSHIP OF AUTHORITY**

The Members of the Authority shall consist of the following -entities and individuals:

A. Entity Members.

1. **County Members.** Each county that has property within the Authority’s boundaries; and
2. **Municipal Members.** Each municipality that has property within the Authority’s boundaries; and

Style Definition: Heading 1

Style Definition: List Bullet

Style Definition: List Bullet 2

Style Definition: List Bullet 3

Style Definition: List Bullet 4

Style Definition: List Bullet 5

Style Definition: List Bullet 6

Style Definition: List Bullet 7

Style Definition: List Bullet 8

Style Definition: List Number

Style Definition: List Number 2

Style Definition: List Number 3

Style Definition: List Number 4

Style Definition: List Number 5

Style Definition: List Number 6

Style Definition: NSSecond 1

Style Definition: List Number 7

Style Definition: Recital # Wrap

Style Definition: Recital # Indent

3. **Special District Member.** There shall be one ~~special-district~~**Special District** Member which shall be designated by all of the special districts organized pursuant to Article I of Title 32 C.R.S. which include in their service areas property within the Cherry Creek Basin and that own and operate wastewater treatment service facilities in the Cherry Creek Basin. For purposes of this Article II, wastewater treatment facilities shall mean a wastewater treatment facility with a design capacity to receive and treat more than two thousand gallons of sewage per day.

B. Individual Members. The Authority shall have seven Individual Members who shall be appointed by the Governor to represent ~~sportspersons~~**sportspersons** or recreational organizations that have members that use the reservoir. A minimum of two of these appointees shall be from bona fide citizen or environmental organizations interested in preserving water quality with members who use the reservoir or live within the Cherry Creek Basin, as provided in Section 25-8.5-105(1)(d), C.R.S., as amended.

C. Ex-Officio Members. Every soil conservation district of which more than two thirds of its territory is included within the Authority's boundaries shall be an ex-officio member of the Authority. The Authority reserves the right to designate or to remove, from time to time, as an ex-officio member of the Authority any nonprofit public interest group or association having an interest in the Cherry Creek Basin and any governmental or quasi-governmental agency, as provided in Section 25-8.5-108(1)(b) C.R.S. Ex-officio members shall be non-voting members of the Authority and shall not be entitled to designate a representative to sit on the Authority's Board of Directors. Ex-officio members shall be provided notice of Authority meetings and may appoint a liaison to the Authority. All such appointments or changes thereto shall be in writing and shall include the full name and mailing address of the liaison and shall be delivered to the Administrator of the Authority.

ARTICLE III. **OFFICES**

A. Principal Office. The Principal Office of the Authority shall be located within the State of Colorado at such location as designated by the Board of Directors from time to time. Notice of any change in the location of the Authority's Principal Office shall be provided in advance to all Members of the Authority.

B. Other Offices. The Authority may have such other offices and places of business within the State of Colorado as the Board of Directors may designate from time to time.

ARTICLE IV.
BOARD OF DIRECTORS

A. Governing Body and Powers. The governing body of the Authority shall be a Board of Directors (hereinafter sometimes referred to as the “Board”) which shall exercise and perform all powers, rights, privileges, and duties ~~invested~~vested or imposed by Section 24.8-5-110, C.R.S., or as necessary, incidental to or implied there from.

B. Number, Tenure and Qualifications of Directors.

1. **Number of Directors.** The Authority’s Board shall consist of ~~17 members~~18 Members or such other number as may be required from time to time to comply with the provisions of Sections 25-8.5-105 and 106 C.R.S. as amended.

2. **Directors Representing County and Municipal Members.** Each ~~county~~County and ~~municipal~~Municipal Member of the Authority shall be entitled to appoint one primary representative and two alternate representatives to serve on the Board. Each primary representative shall be an elected official of the appointing Member. Alternate representatives shall be entitled to serve on the Board in the order of preference specified by the appointing County or Municipal Member and then only in the absence of the primary representative. Nothing herein contained shall prevent a ~~county~~County or ~~municipal~~Municipal Member’s primary representative from also serving as the alternative representative of another ~~county~~County or ~~municipal~~Municipal Member; provided, however, that under no circumstances shall any ~~member~~Member of the Board act as the representative for more than two Entity Members, as herein after defined, at any one time.

a. **Alternate Representatives.** Except for the elected official requirement stated above that is applicable to a primary County or Municipal Member representative, alternate representatives, whether they be for a County, Municipal, or Special District Member shall be subject to all the requirements and limitations that apply to a primary representative.

~~2.~~

3. **Director Representing Special District Member.** The special district Member of the Authority shall be entitled to appoint one primary representative and two alternate representatives to serve on the Board; provided, however, such representatives shall be chosen by the unanimous consent of the special districts with service areas located within the Cherry Creek Basin as more particularly described in Sections 25-8.5-105(1)(c) as amended and 25-8.5-119 C.R.S. Alternate representatives shall be entitled to serve on the Board in the order of preference specified in the appointment and then only in the absence of the primary representative.

Formatted: No bullets or numbering

4. **Individual Members Appointed by the Governor.** Each Individual Member of the Authority appointed by the Governor shall also be a ~~member~~Member of the Authority's Board of Directors.

5. **Tenure of Directors.**

a. **Individual Authority Members.** The Individual Members of the Authority who are appointed by the Governor shall serve a term, both as a Member of the Authority and as a member of the Board, of four years or until a successor is duly appointed; provided, however, that of the seven Individual Members initially appointed by the Governor in July of 2001, four shall serve an initial term of four years and three shall serve an initial term of two years.

b. **Directors Representatives Designated by an Entity**
~~Members. Each Entity Member's~~Member. The designated representative ~~on, whether~~
~~the Board~~primary or an alternate representative for each County and Municipal Member,
and for the Special District Member (each an "Entity Member") shall serve a term of two years or until a successor is duly appointed. Each Entity Member of the Authority shall provide written notice of its designated primary and alternate representatives to the recording secretary of the Authority. An Entity Member may in its discretion, remove its primary representative from the Board (and any alternate) at any time and designate a successor thereto by providing written notice to the Authority's recording secretary.

C. **Removal of a Director Following Unexcused Absences.** If any Entity Member of the Authority is unrepresented at two consecutive regular meetings of the Board, without the Board having entered upon its minutes an approval of such absences, the Board may submit a written request to such Member that either the Member's primary or one of its designated alternate representatives attend the next regular meeting of the Board. If following such request, no representative of the Entity Member attends the next regular meeting of the Board, the Board after consultation with the Entity Member may appoint an interim representative for that Entity Member from said Entity's jurisdiction. Said appointee shall serve until the Entity Member appoints a new primary and one or more new alternative representatives to serve on the Board as provided in Section 25-8.5-106(1), C.R.S. as amended.

D. **Officers.** At the first Board meeting of each calendar year or as soon thereafter as is reasonably practical, but in no event no later than March 31st of each calendar year, the Board shall elect from its ~~members~~Members, a Chair, a Chair Pro Tempore, a Secretary/Treasurer and one or more Assistant Secretaries. Said officers shall serve until their successors are duly elected.

E. **Recording Secretary.** The Board may appoint and/or remove from time to time a ~~recording secretary~~Recording Secretary, who may, but does not have to be a member of the Board.

1. **Chair.**

a. **Duties.** The Chair shall be the chief executive officer of the Authority and shall have general supervision of the business and activities of the Authority. The Chair shall preside at meetings of the Board and shall discharge the duties of a presiding officer.

b. **Term Limitation.** The term of the office of Chair of the Authority shall be one year. A Board member may serve a maximum of three consecutive terms as Chair. After serving three consecutive one year terms as Chair, a Board member shall not be eligible to serve as Chair for a period of one calendar year. (Amended by Resolution 2008-12-1)

2. **Chair Pro Tempore.** The Chair Pro Tempore shall have such powers and perform such duties as the Board may from time to time prescribe or as the Chair may from time to time delegate. At the request of the Chair, or in the event of the Chair's absence or inability to act, the Chair Pro Tempore may serve as acting Chair.

3. **Secretary/Treasurer.** The Secretary/Treasurer shall keep or cause to be kept accurate books and records of accounts including disbursement of all funds for Board approved payments. The Secretary/Treasurer shall be the custodian of the Authority's records, the Authority's seal, and shall perform all duties incident to the office of Secretary/Treasurer as may from time to time be assigned by the Board.

4. **Assistant Secretary/Treasurer.** In the absence or inability to act of the Secretary/Treasurer, an Assistant Secretary shall act with the same powers and shall be subject to the same restrictions as are applicable to the Secretary/Treasurer.

F. **Resignation.** Any officer may resign at any time by giving notice to the Chair and to the Secretary/Treasurer of the Authority. Such resignation shall take effect at the time specified therein, and unless otherwise specified, the acceptance of such resignation shall not be necessary to make it effective.

G. **Vacancies.** Any vacancy occurring in an office for any reason, including but not limited to, an officer's resignation, may be filled at any regular or special meeting of the Board of Directors by a majority of the quorum present.

H. **Removal.** At any meeting of the Board of Directors at which a majority of the Board of Directors are present and for which the agenda specifically lists officer removal as an agenda item, any one or more Authority officers may be removed, with or without cause, by a vote of the majority of the Board of Directors.

Formatted: Font: Not Bold, No underline

ARTICLE V.
BOARD MEETINGS

A. Regular Meetings. Regular meetings of the Board of Directors shall be held monthly or at such other regular intervals and at such time and place as the Board shall determine.

B. Special Meetings. Special meetings of the Board may be called at any time by the Chair, by resolution of the Board of Directors, or upon request of any two Board members.

C. Notices and Agendas.

1. **Statutory Notice.** Notice to the public of regular and special meetings of the Board of Directors or any meeting of any advisory, policy-making, rulemaking, or formally constituted body of the Authority to which the Authority has delegated a governmental decision-making function shall be posted ~~as required in Section 25-8.5-109 C.R.S. and/or Section 24-6-402(2)(e) C.R.S., as amended~~ online in accordance with Section 24-6-402(2)I C.R.S. as amended provided, however, nothing herein contained shall preclude the Authority from also posting such notice in the office of the county clerk and recorder of each of the counties included within the Authority.

2. **Mailings.**

a. In addition to the posting of notice of regular and special meetings ~~as required by~~ online, in accordance with state statute, a meeting notice with appropriate enclosures, including an agenda, shall be mailed or emailed in advance of each meeting to each Board member at his or her address or email address as shown on the records of the Authority.

b. All ex-officio members shall receive copies of all notices, agendas, and appropriate enclosures at the address or email address of their designated representative.

c. The Administrator of the Authority shall maintain a list of persons who, within the previous two years, have requested notification of all meetings or of meetings when certain specified policies or subjects will be discussed and shall provide reasonable advance ~~notification~~ notice by email or mail of such meetings, provided, however, that any unintentional failure to provide such advance notice will not nullify actions taken at an otherwise properly noticed meeting.

D. Informal Meetings - Notices. Informal meetings of ~~members~~ three or Members of the Board, at which no final decisions or formal ~~action~~ actions can be taken, ~~may be~~ may be held from time to time. Such meetings include study sessions, subcommittee meetings, or any ~~meeting~~ meetings of three or more Board members at

Formatted: Font: Bold, Underline

which Authority business is to be discussed. ~~Such meetings shall be open to the public.~~ Notice of any such ~~meeting~~meetings shall be given to all ~~members~~Members of the Board ~~by email~~ at least ~~72~~twenty-four (24) hours in advance of such meeting, unless such informal meeting was set and authorized by the Board at a regular or special Board meeting. Public notice of the meeting shall be posted ~~in~~on the ~~one designated public posting place for the Authority~~Authority's website at least ~~twenty-four (24)~~ hours prior, ~~to the informal meeting,~~ in accordance with Section 24-6-402(2)(c) C.R.S.

ARTICLE VI. VOTING/QUORUM

A. Members Entitled to Vote.

1. **In General.** Except for ~~any vote regarding a change in~~ the -levy and collection of ~~ad valorem~~ taxes pursuant to Sections 25-8.5-107(5) and 25-8.5-111(1)(p)(I) C.R.S., each Entity Member of the Authority acting through its designated ~~-~~representative and each Individual Member of the Authority shall be entitled to one vote on any matter coming before the Board. Any vote by the designated representative of the ~~special district~~Special District Member of the Authority shall reflect the majority of the represented ~~special districts~~Special Districts.

2. **Vote Regarding the Levy and Collection of Taxes.**

Notwithstanding any other provision contained in these Bylaws to the contrary, any vote regarding ~~a change in~~ the -levy and collection of taxes pursuant to Sections 25-8.5-107(5) and 25-8.5-111(1)(p)(I) C.R.S. shall be limited ~~solely to those Board members who represent municipal and county Members~~to and may be exercised only by the ~~primary representative of each Municipal and County Member~~ of the Authority.

B. Quorum. Fifty percent (50%) of all members of the Board must be ~~physically~~ present to constitute a quorum for the transaction of business at any meeting of the Board ~~unless virtual or telephonic attendance is expressly authorized by the Chair of the Authority.~~

C. Majority Vote Required for Action. Except for any vote regarding the levy and collection of taxes pursuant to Sections 25-8.5-107(5) and 25-8.5-111(1)(p)(I) C.R.S., or to take any Board action where a special majority vote is required as provided in Section 25-8.5-107(2) C.R.S. as amended, all actions of the Board for which a vote is required shall be made and decided by a majority vote of the quorum present.

D. Special Majority Vote Required. An affirmative vote of a majority of the members of the Board shall be required for the Board to take action with regard to any of the following matters as enumerated in Section 25-8.5-107(2) C.R.S.:

1. Proposed ~~wasteload~~waste load allocations;
2. Site location or site plans selected pursuant to Section 25-8-702 C.R.S.;
3. Discharge permits secured pursuant to Section 25-8-501 C.R.S. or the Clean Water Act;
4. Amendments to the Authority’s Wastewater Management Plan;
5. Authority budget and funding decisions.

E. Attendance by Electronic Media. With the approval of the Chair, ~~a Board member~~an Individual Member, or a representative of an Entity Member who is unable to be physically present for a Board meeting may attend by telephone or other electronic media as long as the ~~Board member~~Individual Member or representative of the Entity Member so attending can hear what is occurring in the meeting and can be heard by ~~the all~~ other Board ~~members~~Members who are present at the meeting or otherwise attending by telephone. Notwithstanding the foregoing, only those Individual Members and/or representatives of an Entity Member who are present and in attendance at an Authority meeting may vote, unless online or telephonic voting is expressly permitted by the Chair.

F. Disclosures and Abstentions. Each Board ~~member~~Member shall provide such disclosures, including potential conflict of interest disclosures, as may be required by state and federal law, including but not limited to, Section 25-8.5-107(4), C.R.S., Section 24-18-101, et seq., C.R.S. (standards of conduct for public officials), and Section 18-8-308, C.R.S. Unless otherwise permitted by law, any Board ~~member~~Member who has a personal or private interest in any matter proposed or pending before the Board after disclosure thereof, shall recuse himself or herself from the meeting, shall step to the back of the boardroom, and shall refrain from attempting to in any way influence the decision of the other members of the Board on the matter.

G. Voting. No Board ~~member~~Member shall abstain from voting unless abstention is required by law or because the Board ~~member~~Member believes he or she has a potential conflict of interest. Unless a roll call vote is requested by a Board ~~member~~Member, any matter that can be decided by a majority of the quorum present shall be by a voice vote, except all special matters as enumerated in Article VI, Section D above shall be decided by a roll call vote.

ARTICLE VII.
ADVISORY COMMITTEES

A. Technical Advisory Committee.

1. **Appointment of Members.**

a. **Entity Member Representatives.** Subject to the eligibility requirements set forth in subparagraph (b) below, each Entity Member of the Authority, including ex-officio ~~entity members~~**Entity Members**, may appoint one representative to serve on the Technical Advisory Committee. The Technical Advisory Committee shall perform such functions and duties as the Authority Board may direct from time to time. The Technical Advisory Committee shall have the authority to establish administrative rules and procedures governing its activities provided the same are not in conflict with these Bylaws or any direction or other limitation established by the Board from time to time. Each Entity Member of the Authority that appoints a representative to the Committee shall promptly notify the Administrator of the Authority in writing of its appointed representative and the representative's mailing address and any changes thereto.

b. **Eligibility for Membership.**

(1) **Representatives of Entity Members.** Each Entity Member may, from its staff, appoint one representative and one alternate to serve on the Technical Advisory Committee.

(2) **Board Members May Not Serve.** Members of the Board shall not be eligible to serve on the Technical Advisory Committee- except that when authorized by the Board, Board Members may serve on one or more subcommittees of the Technical Advisory Committee.

(3) **Public Interest Group Representatives.** The Board may from time to time appoint to the Technical Advisory Committee individuals who represent educational or public interest groups having an interest in storm water drainage and water quality in the Cherry Creek Basin.

(4) **Local Government Representatives.** The Board may from time to time appoint to the Technical Advisory Committee individuals who represent local governments that are not members of the Authority, but who nonetheless have an interest in storm water drainage and water quality in the Cherry Creek Basin, such as, but not limited to, the Urban Drainage and Flood Control District, the South-East Metropolitan Storm Water Drainage Authority, and the Tri-County Health Department.

(5) **Individual Member Representatives.** Each Individual Member may request that the Board appoint a person individual to represent the Individual Member on the Technical Advisory Committee.

2. **Chair.**

a. **Selection.** The Technical Advisory Committee shall by a majority vote select one of its members to serve as Chair and one of its members to serve as Vice Chair of the Technical Advisory Committee.

b. **Duties of the Chair.** The Chair of the Technical Advisory Committee shall preside at meetings of the Technical Advisory Committee and shall discharge the duties of presiding officer.

c. **Duties of Vice Chair.** The Vice Chair shall have such powers and perform such duties as the members of the Technical Advisory Committee may from time to time prescribe or as the Chair may from time to time delegate. At the request of the Chair, or in the event of the Chair's absence or inability to act, the Vice Chair shall serve as acting Chair.

3. **Meetings.** The Technical Advisory Committee may hold meetings monthly at a time and place to be determined by the Technical Advisory Committee. All meetings of the Technical Advisory Committee shall be open to the public.

4. **Duties of the Committee.** The Technical Advisory Committee shall report to the Board and shall perform such duties and tasks as the Board shall from time to time direct, which may include but shall not be limited to, the following:

a. **Technical Matters.** To the extent requested by the Board, the Technical Advisory Committee shall consider and report to the Board on all Authority matters of a scientific or technical nature. Technical Advisory Committee recommendations on these matters shall be forwarded to the Board for a final decision.

b. **Referral Comments.** To the extent authorized and only as directed by the Board, the Technical Advisory Committee shall have the authority to develop and submit referral comments on behalf of the Authority on various matters including but not limited to the following:

(1) **401 and 404 Permits.** As requested by the Board, the Technical Advisory Committee shall review all applications for 401 and 404 permits in the Cherry Creek Basin, and may submit comments and recommendations to assure compliance with water quality standards, water quality plans, Authority requirements and best management practices.

(2) **Local Government Decisions.** As requested by the Board, the Technical Advisory Committee shall have the authority to review and submit comments and recommendations on behalf of the Authority, as a referral agency, to local government agencies, including comments on applications for rezonings, subdivisions, special projects, new rules and regulations, etc.

B. Other Advisory Committees.

1. **Establishment of Committees.** The Board may establish, in addition to the Technical Advisory Committee, such other advisory committees as the Board shall from time to time determine.

2. **Duties.** Except as provided in Article VII(a)(4) for the Technical Advisory Committee, the Board shall establish and enumerate the duties of all advisory committees.

C. Provisions Applicable to all Advisory Committees.

1. **Resignation.** A member of any advisory committee may resign at any time by giving written notice to the Chair of the committee and to the Secretary/Treasurer of the Authority. Such resignation shall take effect at the time specified therein, and the acceptance of such resignation shall not be necessary to make it effective.

2. **Vacancies.** Except as provided in Article VII(A)(1)(b), for the Technical Advisory Committee, any vacancy occurring on an advisory committee by reason of resignation or otherwise may be filled by an affirmative vote of a majority of the Board.

3. **Removal.** At any meeting of the Board duly called expressly for that purpose, any one or more members of an advisory committee may be removed with or without cause by a vote of the majority of the Board.

ARTICLE VIII.
RECORDS RETENTION AND DESTRUCTION

A. Records Management. The Authority shall comply with, and adopt and maintain policies as necessary for compliance with, applicable records retention, destruction and disclosure requirements, including the Colorado Open Records Act, State Archives and Public Records Law, and various consumer privacy legislation, if applicable. The Authority's manager or his or her designee is hereby designated as the Official Custodian of Records pursuant to the Open Records Act. In the event there is any question as to whether the Authority is permitted to comply with an Open Records Act request, the Custodian of Records shall forward such request to the Authority's legal counsel. Copies of records shall be furnished at a cost of \$0.25 per standard page. Where a request requires more than one hour of staff time for retrieval and/or review, the Authority may charge a nominal fee.

B. Records Retention. ~~Because the State Archivist~~The Authority has ~~not~~ adopted ~~a records retention schedule that applies specifically to the Authority, the Authority may adopt the 2008~~the Colorado Special ~~District's~~District Record Retention

Schedule and may thereafter adopt any ~~subsequent~~ revisions as promulgated by the State Archivist's office. The ~~Authority's manager~~ Authority may ~~then~~ request in writing permission from the Colorado State Archivist to follow and retain and/or destroy Authority records in accordance with said adopted schedule. Upon receipt of approval from the State Archivist's office the Authority may destroy or otherwise dispose records in accordance with said adopted schedule except as set forth in subparagraph C below.

C. Exception. Notwithstanding any provision contained in such adopted record retention schedule, the Authority shall not destroy any scientific records, data or reports without the prior approval of the Authority's Board of Directors after considering advice from the Technical Advisory Committee.

D. Records Destruction Procedure. At least thirty (30) days prior to the destruction of any Authority records permitted by the ~~2008~~ Colorado Special ~~District's~~ District Record Retention Schedule, the manager shall submit a complete list of all records so scheduled for destruction. The Board at that time may remove from the list any record that the Board for any reason does not want destroyed.

ARTICLE IX.

ADMINISTRATOR, TECHNICAL MANAGER, OR ADMINISTRATIVE ASSISTANT OF THE AUTHORITY

A. Generally. The Authority ~~shall~~ may from time to time and at its discretion retain an Administrator ~~selected by the Board of Directors. The Administrator of, Technical Manager, and/or Administrative Assistant to perform such duties as the~~ Authority ~~shall report to the Board~~ may from time to time determine appropriate.

B. Duties. The Administrator shall perform the following duties:

1. As directed by the Board, provide management services to Authority, including to the Board and advisory committees; and
2. As directed by the Board, coordinate and oversee the activities of Authority consultants; and
3. As directed by the Board, coordinate the activities of the Authority's Attorney who shall nonetheless report directly to the Board.

ARTICLE X. **AMENDMENTS**

Except as otherwise required by law, these Bylaws may be amended at any regular meeting of the Board or any special meeting called for that purpose provided that written notice of the proposed amendment shall have been given at least fourteen (14) days prior

to the meeting. Any such amendment shall require an affirmative vote of a majority of the members of the Board present at any duly constituted meeting.

ARTICLE XI.
MISCELLANEOUS PROVISIONS

A. Headings. The headings throughout these Bylaws are for convenience and reference only and shall in no way be deemed to define, limit, or add to the meaning of any provision hereof.

B. Conduct of Meetings. The conduct of all meetings of the members of the Board of Directors or any committee shall be according to such rules as the Board or appropriate committee may establish from time to time.

I, Timothy J. Flynn, as General Counsel for the Cherry Creek Basin Water Quality Authority, hereby certify that the foregoing Restated and Amended Bylaws became effective on July 21, 2011.



Timothy J. Flynn, General Counsel

CHERRY CREEK BASIN WATER QUALITY AUTHORITY
2023 Capital Project Status Report
May 12, 2023

RESERVOIR PROJECTS

1. East Shade Shelters Phase III and Tower Loop Phase II Shoreline Stabilization (CCB-17.5 and CCB-17.7)
 - a. Description: These projects were identified in 2014 through the annual inspection. The Tower Loop Phase II connects to the Phase I project and extends shoreline protection 570 feet to the southeast towards Dixon Grove. The East Shade Shelters Phase III starts on the north end of the Shade Structure and goes 400-feet to the south.
 - b. Status: Consultant selection is scheduled for the 1st quarter. A consultant selection committee will be set in February (1/29/21). At the February TAC meeting Jason Trujillo, Jon Erickson, Lanae Raymond, Bill Ruzzo were interested in serving on the consultant selection committee (2/11/21). This selection committee was discussed at the 3/18/21 Board Meeting, and no further members were added. The Request for Proposals (RFP) has been posted on BidNet and Proposals are due 04/21/21 (3/25/21). The pre-proposal meeting was held on 4/7/21. 5 proposals were received on 4/28/21; the selection committee is reviewing them. Interviews were held and a selection is being brought to the May Board meeting (5/14/21). Board authorized negotiations with RESPEC (5/27/21). Agreement has been executed with RESPEC (10/15/21). Field Survey of project areas and topographic mapping is underway (12/30/21). A design kickoff meeting was held on 4/22/22. A design sprint workshop was held on 7/12/22 which included a site visit and evaluation of alternatives. RESPEC is developing a recommended alternative (9/8/22). RESPEC provided updated project costs for budgeting (10/13/22). The 30% submittal was received on 11/16/22 and is under review. CCBWQA provided comments on 30% review on 1/17/23; a value engineering effort is recommended as the project costs exceed the budget. The value engineering meeting was held on 2/24/23. RESPEC's request for additional services is being taken to TAC and Board in May (4/28/23).

STREAM RECLAMATION PROJECTS

1. Cherry Creek Stream Reclamation at Arapahoe Road aka Reaches 3 and 4 (CCB-5.14C)
 - a. Description: This project continues the work on Cherry Creek by CCBWQA, MHFD, and local partners. It ties into the previous stream reclamation projects of Cherry Creek Eco Park to Soccer Fields (CCB-5.14A) and Cherry Creek at Valley Country Club (CCB-5.14B). The 5,167 Linear Feet of stream reclamation reduces bed and bank erosion immobilizing approximately 88 pounds of phosphorus annually. The project is anticipated to be funded over several years and likely be broken into phases.
 - b. Status: In 2021, an IGA was executed between CCBWQA, MHFD, City of Aurora, and SEMSWA to begin this work. IGA Amendment that brings in 2022 funding is under review (5/13/22). Board authorized IGA Amendment for 2022 funding on 7/21/22 (8/12/22). IGA Amendment has been revised to show Aurora's lower participation; CCBWQA's participation was lowered accordingly to meet 25% partner project level; revised IGA Amendment received TAC recommendation and is being taken to Board for their consideration in October (10/13/22). Board authorized the IGA Amendment for 2022 funding at their 10/22/22 meeting. It appears that CCBWQA's 2023 participation will be reduced as a result of less partner funding available for this project (2/24/23).
2. Cherry Creek Stream Reclamation – Upstream of Scott Road (CCB-5.17)
 - a. Description: Design and construction of stream reclamation is in partnership with Douglas County and MHFD. It improves 4,100 feet of Cherry Creek and is located upstream of Scott Road.
 - b. Status: IGA was approved by the Board at their April 2020 meeting. Muller had been

selected as consultant, and design scope of work is being prepared. Kickoff meeting was held on 12/11/20; a follow-up field visit will be scheduled for early 2021. Site visit was held on 1/29/21. Conceptual design is complete, negotiations are underway to contract for 60% design (4/8/21). Muller is working on alternatives (4/30/21). Muller is working on preliminary design and an IGA Amendment to bring in additional 2021 funding from Douglas County is being brought to the Board in October (10/15/21); IGA Amendment has been executed (11/11/21). Muller is preparing 60% Design Submittal (1/28/22). Muller submitted 60% Design on 2/2/22; comments have been provided on 60% Design Submittal (3/10/22). IGA Amendment bringing in 2022 funding is scheduled for TAC and Board consideration in June (5/27/22). IGA Amendment was authorized at the June 16th Board Meeting (6/30/22). Muller is working on Final Design and held a progress meeting on 4/14/23, a site visit is being scheduled to support the 90% design submittal.

3. Cherry Creek Stream Reclamation at Dransfeldt (CCB-5.17.1B)
 - a. Description: Design and construction of stream reclamation is in partnership with Town of Parker and MHFD. It improves 2,400 feet of Cherry Creek near the future location of Dransfeldt bridge which is just downstream of the Cherry Creek at KOA project.
 - b. Status: Initial scoping has begun, and a partners meeting was held on 1/30/21. IGA is scheduled for CCBWQA's May TAC and Board meetings (4/30/21). IGA was approved by all parties and has been executed (6/25/21). Muller Engineering has submitted their Draft Scope of Work for Design Services, and the project sponsors have reviewed it (7/8/21). Design kickoff meeting was held on 10/14/21. Alternatives are being evaluated (12/9/21). Pre-submittal meeting for the 404 permit is being scheduled (12/30/21). CLOMR is being prepared for project (3/10/22) and was submitted to FEMA on 3/31/22. CEI was selected for as project partner to provide contractor input during the design (5/27/22). CLOMR is under review by FEMA (8/12/22). Muller has received comments on CLOMR and is preparing responses; 90% Submittal is scheduled for early February (1/27/23). Comments on 90% Submittal were provided on 2/22/23; project is experiencing substantive cost increases due to current market conditions (2/24/23). TAC at their 3/2/23 meeting recommended that the Board authorized the IGA Amendment to bring in 2023 funding along with an increase in CCBWQA's 2023 funding from \$170,000 to \$570,000. The Board authorized the IGA Amendment with the increased 2023 funding of \$570,000 at their 3/16/23 meeting. *The Conditional Letter of Map Revision (CLOMR) was issued by the Federal Emergency Management Agency (FEMA) on April 28, 2023 (5/12/23).*
4. McMurdo Gulch Priority 3 Stream Reclamation (CCB-7.2)
 - a. Description: The design and construction of stream reclamation is in partnership with Castle Rock. Castle Rock is the lead agency. This phase continues the work from the previous phase. Muller Engineering is the design consultant.
 - b. Status: Board authorized IGA for Priority 3 at their May 19,2022 meeting. Muller submitted their 30% deliverable on 10/31/22, review comments were returned on 11/8/22. Easements needed for projects have been identified (1/23/22). The 60% Submittal was received on 1/30/23 and comments have been provided on 2/7/23. Muller is working on updating their construction cost estimate (2/8/23). On 2/23/23, Castle Rock requested that CCBWQA's 2023 funding be deferred to 2024 to match their schedule.
5. Lone Tree Creek in Cherry Creek State Park (CCB-21.1)
 - a. Description: This project includes a trail connection to Cherry Creek State Park and includes 570 linear feet of stream reclamation on Lone Tree Creek from the State Park Boundary to the Windmill Creek Loop Trail. The City of Centennial is the project lead. CCBWQA participation is for stream reclamation only.
 - b. Status: 95% submittal is under review (5/13/22); review comments have been returned (5/27/22). Project funding was brought to TAC at their 7/7/22 meeting, during drafting of IGA it was discovered that future maintenance of stream reclamation should be considered, project will be brought back to TAC at an upcoming meeting for maintenance discussion and recommendation (8/12/22). A stakeholder meeting was held on 9/29/22 to discuss

maintenance. A stakeholder meeting was held on 11/2/22 to discuss findings from CCBWQA's site visit and findings included in Wright Water Engineers report. The Board supports CCBWQA's partnering with Centennial at their 11/17/22 meeting. A Memo of Understanding is under review by Colorado Parks and Wildlife (CPW) affirming maintenance responsibilities for the stream reclamation fit under the current agreement between CCBWQA and CPW (3/30/23).

6. Happy Canyon Creek – County Line to Confluence with Cherry Creek (aka Jordan Road, CCB-22.1)
 - a. Description: The design and construction are in partnership with Southeast Metro Stormwater Authority and MHFD and includes 2,500 feet of stream reclamation. The Authority's water quality component share for design and construction is estimated to be \$325,000. The total project cost is estimated at \$1,300,000.
 - b. Status: IGA is scheduled for June TAC and Board meetings (5/27/21). IGA has been approved and executed by all parties (7/29/21). Jacobs has been selected as design consultant and project scoping is underway; limits have been extended upstream to the County Line and sediment capture area and transport will be included with the project (10/15/21). Jacobs has submitted their scope of work and fee for design which is under review by project sponsors (11/11/21). Project sponsors have completed a review of Jacobs' fee and scope of work and the agreement is being routed for signatures (1/28/22). IGA Amendment to bring in 2022 funding is in process (3/10/22). A project kickoff meeting was held on 3/28/2022. A site visit was performed on 4/12/22 to document existing conditions and identify sediment source/transport/deposition areas. Project Team is preparing a sampling plan for bank and bed materials to determine phosphorous content (5/13/22). The project team met on 5/24/22 to discuss project goals and Jacobs is progressing through the study. Jacobs and ERC are working on sediment transport analysis and model (6/30/22). The results from the sediment transport model were presented at the 8/23/22 progress meeting and an upstream sediment capture area just south of the JWPP was included in the alternatives analysis (8/26/22). The alternative analysis report is expected to be completed before the end of 2022 (10/13/22). Lab results from stream soil samples were sent to Jacobs so that they include phosphorus reduction in the alternatives analysis report; a groundwater investigation is needed to inform sediment capture facility and stream reclamation alternatives, scoping and negotiations are in progress (11/11/22). Groundwater scope of work has been reviewed and approved by project sponsors (1/13/23). *The IGA Amendment bringing in the 2023 funding was recommended by TAC and authorized by the Board in April (5/12/23).*
7. Happy Canyon Creek - Upstream of I-25 (CCB-22.2)
 - a. Description: The design and construction are in partnership with Douglas County, City of Lone Tree, and MHFD and includes 2,500 feet of stream reclamation. The Authority's water quality component share for design and construction is estimated to be \$500,000. The total project cost is estimated at \$2,000,000.
 - b. Status: Douglas County, City of Lone Tree, and MHFD have initially funded and selected Muller Engineering as the design engineer. Design has started and a progress meeting was held on 1/27/21. Design is progressing (2/11/21). Muller has submitted 60% Design Deliverables (5/27/21). IGA for 2021 Funding is being brought to Board in September (9/9/21). 2021 IGA Amendment has been executed (11/11/21). Coordination with CDOT and easement acquisitions are on-going (1/13/22). Board authorized 2022 funding and IGA Amendment at their June 16th meeting (6/30/22). The project received environmental clearance from CDOT (8/12/22). The 90% design submittal is scheduled for delivery by end of September (8/26/22). The 90% design submittal is being reviewed (10/13/22). Comments were provided on 90% submittal (11/11/22). Muller completed the 100% design submittal on 11/22/22. CDOT permit was issued, and pre-construction meeting was held on 1/10/23; construction start is scheduled for 1/30/23 pending execution of easement documents from Surrey Ridge which has agreed to terms and easement language. Notice to Proceed on construction is pending execution of easement documents (1/27/23). Easements have been signed by property owners and Notice to Proceed has been issued to Naranjo Civil

Constructors (2/8/23). Construction is underway with initial construction BMPs/stormwater controls in place; water diversion and control is being set up for the downstream section of the project (3/10/23). Water control is in place and construction of stream reclamation is underway for downstream sections of the project (3/30/23). Riffle and Boulder Cascade drop structures on downstream third of project are nearing completion (4/13/23). *Construction is underway in the middle third of the project; efforts consist of stream grading and installation of Riffle and Boulder Cascade drop structures (5/12/23).*

8. Dove Creek - Otero to Chambers Rd. (CCB-23.1)

- a. Description: The design and construction are in partnership with Southeast Metro Stormwater Authority (SEMSWA) and with Mile High Flood District (MHFD) being a key stakeholder; it includes 1,300 feet of stream reclamation. The Authority's water quality component share for design and construction is estimated to be \$175,000. The total project cost is estimated at \$700,000.
- b. Status: SEMSWA is drafting the Intergovernmental Agreement to bring in the 2021 funding for the project (3/12/21). RESPEC is the design consultant; two conceptual design alternatives have been prepared and reviewed during meeting on 3/15/21. IGA is scheduled for CCBWQA's May TAC and Board meetings (4/30/21). IGA has been approved and executed by all parties (7/29/21). 30% Design Review Meeting was held on 8/23/21. A Progress meeting is scheduled for 2/26/22 with 60% Plan submittal expected to follow (1/28/22). The 60% Design was submitted on 2/16/2022, comments were provided, and a design review meeting was held on 2/23/2022. IGA Amendment to bring in 2022 funding is in process (3/10/22). Construction costs were prepared by CEI based on 60% submittal (5/13/22). A design progress meeting was held 6/14/22 and 90% design submittal is being prepared (6/30/22). 90% design submittal is expected by the end of July (7/15/22). The 90% design submittal was reviewed, and comments were submitted on 8/22/22. *Construction is anticipated in 2023 (10/13/22).* A progress meeting was held on 11/8/22, project will likely be done in 2 phases, IGA Amendment will be needed early in 2023 so that construction can start ahead of storm season. Dove Creek IGA for construction of Phase 1 is scheduled for TAC and Board in January 2023, construction is expected to start shortly afterwards (12/30/22). Construction is scheduled to start mid-February; construction agreement and engineering construction services amendment are currently being reviewed (1/27/23). Construction and engineering construction services have been finalized and a preconstruction meeting was held on 2/2/23. Notice to Proceed has been issued to Concrete Express; construction is underway with initial construction BMPs/stormwater controls in place (3/10/23). Water control is in place and construction of stream reclamation is on-going (3/30/23). Step pool drop structures have been constructed and work on soil wraps is underway (4/13/23). *Low-flow or bank full channel work (soil wraps and erosion control blanket) and step-pool structures are complete, water diversion has been removed, and is active to storm flows; work continues in upland areas and higher elevations of stream reclamation (5/12/23).*

9. Piney Creek from Fraser Street to Confluence with Cherry Creek aka Reaches 1 and 2 (CCB-21.1)

- a. Description: This project includes 2900 liner feet of stream reclamation on Piney Creek. The project partners are SEMSWA and CCBWQA.
- b. Status: Project coordination meeting was held with SEMSWA on 6/29/22. IGA drafted and is being reviewed by SEMSWA (8/12/22). IGA was approved by CCBWQA at the 9/15/22 Board meeting. *IGA Amendment to bring in 2023 funding is being taken to TAC and Board in May (4/28/23).*

10. Mountain and Lake Loop Shoreline Stabilization Phase II (OM 4.6)

- a. Description: This project was identified in through the 2020 annual inspection and design and permitting started in 2021. It adds about 40 feet of shoreline protection where it has eroded leaving a 1-2 foot tall vertical bank.
- b. Status: Construction Plans have been prepared and the GESC was submitted to Arapahoe County for review (1/13/22). Plans are being reviewed by US Army Corps of Engineers for 408 clearance (5/13/22).

11. Cherry Creek from Reservoir to Lake View Drive (OM 4.6)
 - a. Description: This project is in follow up to CCBWQA's study of Cherry and Piney Creeks in Cherry Creek State Park (CCSP). Muller completed two reports on Cherry Creek from Reservoir to State Park Boundary, Stream and Water Quality Assessment and Baseline Channel Monitoring Report, in 2022. These reports highlight the need for this project.
 - b. Status: A workshop is scheduled for the 3/16/23, to seek CCBWQA Board and TAC input on this project and Cherry and Piney Creeks in CCSP (3/10/23). *The follow up from workshop is underway – project overview and funding flyer has been created*, Muller is scoping the next step of design for Reach 1 and providing a fee, and multi-pronged approach is in development for workshop priority reaches that prioritizes Reach 1 and reduces risk from upstream reaches; these items will be brought to TAC and Board for discussion, direction, and/or action at upcoming meetings (3/30/23). *Site visit for partner outreach and funding is scheduled for 5/25/23 at 1-4 pm (5/12/23).*



RDS Maintenance Report

To: CCBWQA Board
From: Rick Gonçalves, RDS Maintenance Manager
Date: April 24, 2023
Subject: RDS Testing and Season Startup

April 7-

- Rich Borchardt, Erin Stewart and I met at the compressor building to begin season startup procedures.
- Found the compressor building open, doors ajar, and the lower pressure regulator and its piping disassembled.
- With no entries on the Maintenance log explaining what had happened, we decided to cancel the test until we could find out what the situation was.
- After contacting Ingersoll Rand, I found out, from Jeff Handley of IR that the maintenance personnel who were working at the facility had been let go for doing poor work, at our compressor as well as elsewhere and he said he would go out to check out and start the compressor.
- I related to CPW that vandalism was not the problem with the doors.
- Later in the day, Jeff called to say that the compressor was “good to go” and that the aerators were pumping air into the reservoir.
- He also said that he would arrange to get the piping and pressure regulator reinstalled, and leave the compressor shut off. He also said that the problem with the piping and lower regulator was caused by poor piping design that allowed water that is naturally produced by compressing air to accumulate at the low spots in the pipe then freeze and break the pipe and regulator.

April 14-

- Started the compressor at 12:30pm then proceeded with Erin Stewart to inspect the aerator plumes by boat.
- Found two aerators out of order, and established their locations by GPS to forward to B&RW for repair.
- Blair Wacha of B&RW was contacted and related to me that he would be out early morning on April 17 to repair the faulty aerators.
- Finished our inspection of the system and shut the compressor off at 1:45pm.

April 17-

- B&RW finished its repair of the two identified aerators and a third that he had found.
- Blair called me to give details of the repairs, all of which were situations where the plastic flow regulators had been blown out of place by backpressure, probably caused during shutdown.
- We will be revising our shutdown procedures for the end of the operating season.
- With notice that the system was operating in good condition, I directed Blair to leave the compressor on at 40 psi.
- I then notified CCBWQA staff, Parks personnel and managers that the RDS was on and operating for the season.

April 19-

- Went out to the reservoir twice to perform the final two pressure step increases to 50 psi and 55 psi which were performed at least 4 hours apart, as per Authority Operations Policy.

April 20-

- Received a quote from Ingersoll Rand for \$2,992.45 to repair the compressor piping to and from the lower pressure regulator that was damaged by water that is normal in air compression that accumulated, froze, and broke the pipe and regulator, replace the broken pressure regulator, and revise the piping to provide drop-legs with purge valves to prevent accumulated water from freezing and breaking the pipes again.
- This repair is not covered under warranty, as the warranty only covers the compressor itself.
- The entire system was designed to meet Authority directed operating parameters of “between April and November” and the building heater was designed to produce enough heat within those parameters to allow the compressor to work with at a minimum of 38 degrees. No one anticipated needing the building to be heated during the off season, as there would have been no need to. Except for accumulated water in the pipes? No one anticipated that either. Heating the building to prevent accumulated water from freezing would not have been the prudent solution. Providing drop legs and purging the water at the end of the operating season is.

April 24-

- The repair cost has been approved by the Executive Committee and a work order prepared.
- The repair work should be done in the next couple of weeks and won't affect the operation of the system in the meantime.