



Administration Building  
West Hearing Room  
5334 S. Prince St.  
Littleton, CO 80120  
303-795-4630  
Relay Colorado 711

Kathleen Conti, District 1  
Nancy Sharpe, District 2  
Jeff Baker, Chair, District 3  
Nancy Jackson, Chair Pro Tem, District 4  
Bill Holen, District 5

## **Study Session**

**June 10, 2019**

The Arapahoe County Board of County Commissioners typically holds weekly Study Sessions on Monday and Tuesday. Study Sessions (except for Executive Sessions) are open to the public and items for discussion are included on this agenda. Agendas (except for Executive Sessions agendas) are available through the Commissioners' Office or through the County's web site at [www.arapahoegov.com](http://www.arapahoegov.com). Please note that the Board may discuss any topic relevant to County business, whether or not the topic has been specifically noticed on this agenda. In particular, the Board typically schedules time each Monday under "Committee Updates" to discuss a wide range of topics. In addition, the Board may alter the times of the meetings throughout the day, or cancel or reschedule noticed meetings. Questions about this agenda? Contact the Commissioners' Office at 303-795-4630 or by e-mail at [commissioners@arapahoegov.com](mailto:commissioners@arapahoegov.com)

### **Study Session Topics**

**9:00 A.M. Calendar Updates (WHR)**  
*BoCC Administration Manager*

**9:45 A.M. BOCC Updates (WHR)**  
*Board of County Commissioners*

**11:00 A.M. Strategy And Performance Update (WHR)**  
*Manisha Singh, Director, Department of Strategy and Performance*

### **Break**

**1:00 P.M. \*Lobbyist Update (WHR)**  
*BoCC*  
*Ron Carl, County Attorney*  
*Greg Romberg, Lobbyist*

### **2:00 P.M. \*2019 Private Activity Bond Assignment To Colorado Housing And Finance Authority (WHR)**

Discussion of a request from Housing and Community Development Services (HCDS) staff for approval from the Board of County Commissioners to assign the 2019 allocation of Private Activity Bonds (PAB) to the Colorado Housing and Finance Authority (CHFA) for the following projects: \$4,342,937 (60%) for Sheridan Gardens, and \$2,895,291 (40%) for Range View Apartments

*Request: Information/Direction*

*Liana Escott, Community Development Representative, Community Resources  
Don Klemme, Director, Community Resources  
Todd Weaver, Budget Manager, Finance  
Tiffanie Bleau, Senior Assistant County Attorney*

Documents:

[BOARD SUMMARY REPORT PAB 2019.DOCX](#)

**2:30 P.M. \*Changes To Engineering Requirements Related To The MS4 Permit (WHR)**

Discussion of a request to adopt changes to engineering requirements related to our new MS4 permit which requires revisions to the Arapahoe County Ordinance No. 2012-01, Stormwater Management Manual and Grading Erosion and Sediment Control Manual and other miscellaneous documents

*Request: Information/Direction*

*Chuck Haskins, Engineering Division Manager, Public Works and Development  
Bryan Weimer, Director, Public Works and Development  
Todd Weaver, Budget Manager, Finance  
Robert Hill, Senior Assistant County Attorney*

Documents:

[BOARD SUMMARY REPORT FOR MS4 CHANGES STUDY SESSION 5-30-2019.PDF](#)

**3:00 P.M. \*Drop In (WHR)**

*Board of County Commissioners*

**1. Deer Trail Rural Fire Protection District Vehicle Donation**

Discussion of a request from the Arapahoe County Sheriff's Office to authorize the Sheriff to donate a 2005 Chevy Suburban, which is slated to be sent to auction, to the Deer Trail Rural Fire Protection District, an all-volunteer organization serving the eastern plains of Arapahoe County

*Request: Information/Direction*

*Olga Fujaros, Sheriff's Finance Manager, Sheriff's Office  
Nathan Fogg, Emergency Manager, Sheriff's Office  
Tyler S. Brown, Sheriff  
Todd Weaver, Budget Manager, Finance  
Tiffanie Bleau, Senior Assistant County Attorney*

Documents:

[DROP IN DEER TRAIL FIRE SUBURBAN DONATION \(002\).DOC](#)

**3:20 P.M. \*Executive Session (WHR)**

Executive Study Session and County Attorney Administrative Meeting [Section 24-6-402 (4)C.R.S.](As required by law, specific agenda topics will be announced in open meeting prior to the commencement of the closed and confidential portion of this session) (WHR)

*Ron Carl, County Attorney*

**\* To Be Recorded As Required By Law**

WHR - West Hearing Room

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*Assisted listening devices are available. Ask any staff member and we will provide one for you.*

*If you need special accommodations, contact the Commissioners' Office at 303-795-4630 or Relay Colorado 711.*

*Please contact our office at least 3 days in advance to make arrangements.*



## Board Summary Report

**Date:** May 28, 2019  
**To:** Board of County Commissioners  
**Through:** Don Klemme, Community Resources Department Director  
**From:** Liana Escott, Community Development Representative  
**Subject:** Private Activity Bond Assignment to CHFA

### Request and Recommendation

Housing and Community Development Services (HCDS) staff are requesting approval from the Board of County Commissioners to assign the 2019 allocation of Private Activity Bonds (PAB) to the Colorado Housing and Finance Authority (CHFA) for the following projects:

- \$4,342,937 (60%) for Sheridan Gardens
- \$2,895,291 (40%) for Range View Apartments

### Background

Private Activity Bonds are tax-exempt bonding authority, used either to create a loan for a project at a tax-exempt rate, or to create a mortgage credit certificate. The State of Colorado established its PAB allocation program by state statute (24-32-1701 et seq, C.R.S.) to provide for the allocation of Colorado's PAB authority.

Staff is requesting that the assignment of the PAB's to CHFA will be used to generate 4% Low Income Housing Tax Credit (LIHTC) loans for the following projects:

- \$4,342,937 (60%) for Sheridan Garden Apartments (48 Units, 4320 S Lowell Blvd. Englewood, CO 80110)
- \$2,895,291 (40%) for Range View Apartments (220 Units, Montview and Sable, Aurora, CO).

### Links to Align Arapahoe

Increase Community and Regional Partnerships. Assigning the PAB bonds to CHFA promotes intergovernmental cooperation by allowing these bonds to fund 4% LIHTC projects in and around Arapahoe County.

### **Staff Recommendation**

The County has had three (3) requests for the PAB's, these two projects are recommended by staff for assignment of the 2019 PAB's. South Metro Housing Options was interested in requesting the 2019 PAB's, but they are deferring until the 2020 allocation. Staff recommends assigning the PAB's to CHFA on behalf of Arapahoe County.

### **Alternatives**

The BOCC may choose not to assign the PAB's to CHFA and can relinquish them to the State of Colorado at the end of the PAB program year.

### **Fiscal Impact**

There is no fiscal impact to Arapahoe County as the PAB allocation is made by the federal government.

### **Attorney Comments**

#### **Reviewed By:**

Linda Haley, Housing and Community Development Division Manager

Don Klemme, Community Resources Department Director

Janet Kennedy, Finance Department Director

Tiffanie Bleau, Assistant County Attorney



## Board Summary Report

**Date:** May 30, 2019  
**To:** Board of County Commissioners  
**Thru:** Bryan D. Weimer, Director, PW&D  
**From:** Chuck Haskins, P.E., CFM, Engineering Services Division Manager  
**Subject:** Changes to Engineering Requirements Related to the December 1, 2016 CDPHE MS4 Permit (E19-044)

### Request and Recommendation

The purpose of this report is to discuss adoption of changes to engineering requirements related to our new MS4 permit. This new MS4 permit requires revisions to the Arapahoe County Ordinance No. 2012-01, Stormwater Management Manual and Grading Erosion and Sediment Control Manual and other miscellaneous documents.

### Background & Discussion

On December 1, 2016, the Colorado Department of Public Health and Environment (CDPHE) re-issued the CDPS General Permit CORO80000 Stormwater Discharges Associated with Municipal Separate Storm Sewer Systems (MS4's) that Discharge to the Cherry Creek Reservoir Drainage Basin Authorization to Discharge under the Colorado Discharge Permit System. This new permit imposes new requirements for MS4 communities that must be adopted and in-place by 7/1/2019. Staff has been working with the Southeast Metro Stormwater Authority (SEMSWA) to update the following documents and a brief description of the purpose and/or changes to each:

- Stormwater Ordinance No. 2012-01
- Stormwater Management Manual (SWM)
- Grading, Erosion and Sediment Control Manual (GESM)
- Enforcement Response Plan
- Stormwater Facilities Maintenance Agreement

#### Stormwater Ordinance No. 2012-01

On October 9, 2012, the Board of County Commissioners approved Ordinance 2012-01. The purpose of the Ordinance was to provide an enforcement mechanism for the County's MS4 permit, as required by the terms of the permit. The Ordinance applies only in unincorporated Arapahoe County and prohibits illegal discharges of non-stormwater and illicit connections into the County's stormwater systems. The Ordinance exempted certain types of discharges from the prohibition. In addition, the Ordinance required that

stormwater drainages be kept free from trash and debris, and required containment and notification in the event of an unauthorized discharge.

The Ordinance provides for criminal enforcement, including a graduated fine schedule of \$250 for a first offense, \$500 for a second offense, and \$1,000 for a third offense. In addition, it provides a civil enforcement mechanism through an administrative entry and seizure process. The Ordinance was authorized by state law pursuant to C.R.S. Section 30-15-401(11) (a) (1).

An update is now required to the ordinance in order to comply with the Colorado Department of Public Health and Environment MS4 permit dated 12-01-2016.

On May 28, 2019, a first reading of the proposed update to Arapahoe County Ordinance No. 2012-01 was heard as a General Business item before the Board of County Commissioners, and at that hearing a subsequent public hearing to consider the final adoption of the Ordinance was set for June 25, 2019. On June 6, 2019, the proposed Ordinance is set to be published in full in the Villager Newspaper, as required by state statute.

The purpose of this updated Ordinance is to ensure compliance with the Colorado Department of Public Health and Environment General Permit CORO80000 Stormwater Discharges Associated with Municipal Separate Storm Sewer Systems (MS4s) That Discharge to the Cherry Creek Reservoir Drainage Basin dated December 1, 2016. The BoCC must adopt this updated ordinance prior to July 1, 2019 to meet the new MS4 permit requirements.

Only minor modifications are required for the existing Ordinance in order to meet the requirements of the 12-01-2016 MS4 permit. These include adding a definition of MS4 system, clarifications to the definition of non-stormwater discharges to specify certain exemptions, adding a definition of the State of Colorado Water Quality Control Division, and a new provision is added as Section 4.3 that any person responsible for an illicit discharge must cease and remove all contamination.

The Ordinance is authorized by state law pursuant to C.R.S. Section 30-15-401(11) (a) (1). The full text of proposed updated Ordinance No. 2012-01 (proposed as Ordinance 2019-02) is contained within the attached resolution 190316 adopted May 28th.

#### Stormwater Management Manual

The Colorado Department of Public Health and Environment, Water Quality Control Division renewed the County's MS4 permit, CDPS General Permit COR-080000. The County must modify Chapter 14 – Stormwater Quality of the County's Stormwater Management Manual to comply with the MS4 Permit.

The current County Chapter 14 addresses the regulatory requirements placed on the County for post-construction stormwater quality. Changes to the renewed MS4 permit in 2016 have made it more clear, measurable, and enforceable and have resulted in several changes to Chapter 14. The 2016 MS4 permit update required the County to include updated definitions, clearly designate and differentiate the development activities within the Cherry Creek basin, and maintain extensive records and documentation of the

County's use of exemptions and exclusions at a development site to ensure uniform application of criteria.

Specifically, the updated Chapter 14 -Stormwater Quality, of the Stormwater Management Manual:

- expands the enforceable design standards for permanent control measures by adding regional system options and several green infrastructure/infiltration choices;
- provides exclusions and exemptions to post-construction water quality requirements for routine roadway maintenance, installation of above and below ground utilities, and selected large lot/park/trail projects;
- references UDFCD Volume 3 and revised construction details to provide the best available design and installation data for permanent water quality facilities; and
- synchronizes language, methodology, and processes to allow for one uniform Chapter 14 for both SEMSWA and the County, to assist developers in the City of Centennial and unincorporated Arapahoe County with consistent requirements for efficient application.

Due to the pending July 1, 2019, staff was unable to complete changes to the remaining chapters of the SWM manual. Staff anticipates completing the remaining chapters in later this year. A note is proposed in the interim manual alerting users to discrepancies that may arise in this transition. Staff does not anticipate any technical criteria conflicts in this transition but administrative or procedural conflicts may exist.

#### Grading Erosion and Sediment Control Manual

The current County GESC manual addresses the regulatory requirements placed on the County for land disturbance activity. Changes to the renewed MS4 Permit in 2016 have made it more clear, measurable, and enforceable and have resulted in several changes to the GESC manual. The 2016 MS4 Permit update required the County to include additional waste control measures, to remove guidance-only statements that could be mistakenly identified during an audit as enforceable, and to provide alternate permitting options for smaller disturbance areas.

Specifically, the updated GESC Manual:

- clarifies the enforceable standards to meet the County's MS4 requirements by deleting suggested practices that were only guidance and not requirements;
- adds criteria for waste and trash control measures at construction sites required by the renewed MS4 permit;

- reflects new GESC permitting options with alternative plan/report requirements for minor land disturbance activities while still meeting more stringent Cherry Creek Control Regulation 72 standards; and

- refines language, methodology, and processes to allow for one uniform manual for both SEMSWA and the County, with the goal of assisting developers in the City of Centennial and unincorporated Arapahoe County with consistent requirements and efficient application.

#### Enforcement Response Plan (ERP)

The ERP itself is new but no new enforcement tools are proposed. The ERP is a document that identifies enforcement options under existing codes, ordinances, resolutions, and state statutes into one document. These enforcement tools apply to construction sites, post-construction stormwater management, illegal connections and illicit discharges. Enforcement tools are generally listing in escalating order beginning with verbal warning/education, penalty fees, permit holds, preliminary Notice of Violation (P NOV, NOV, Permit Revocation, Stop Work Orders, Use of Collateral and Judicial Relief/Abatement and Restitution.

Staff would like to explore the Board's willingness to escalate penalty re-inspection fees for subsequent violations. Contractors often abuse the current practice of re-assessing \$160.00 re-inspection fees.

#### Stormwater Facilities Maintenance Agreement

Staff, SEMSWA and Legal have proposed some changes to this agreement after several year's of use. Changes include automatic annual inspections by SEMSWA, eliminating operations and maintenance manual requirements and instead post standard maintenance requirements and schedules on our website.

#### **Outreach:**

On March 19, 2019, staff presented the changes to these manuals to the Home Builders Association (HBA). On May 6, 2019, staff attended an Open House at SEMSWA to answer questions from Stakeholders on changes to the manuals. In general, the comments we received related to clarification of the requirements and many Stakeholder applauded SEMSWA and County developing similar requirements.

Notice of the Public Hearings for these changes will be published in the Villager 6/6/2019. All documents proposed for revision will be available on Arapahoe County's website prior to 6/6/2019.

#### **Link to Align Arapahoe County Government**

Foster a healthier and vibrant County.

**Alternatives**

The alternative would be for the BOCC to decline to approve the proposed regulation changes but this would place the County out of compliance with our MS4 permit.

**Fiscal Impact**

The adoption of the Ordinances/Regulation changes may result in some additional minor enforcement expenditures, in an amount that is unknown. If the Ordinance is not adopted, there may be expenses associated with compliance issues pertaining to the County's MS4 permit.  
The

**Reviewed by**

Public Works and Development  
County Attorney



**ARAPAHOE COUNTY**  
COLORADO'S FIRST

## **DROP-IN BOARD SUMMARY REPORT**

**Date:** May 20, 2019  
**To:** Board of County Commissioners  
**Through:** Tyler Brown, Sheriff  
**From:** Nathan Fogg, Emergency Manager  
**Subject:** Vehicle donation to Deer Trail Rural Fire Protection District

### **Direction/Information**

Provide information and receive direction.

### **Request and Recommendation**

The Arapahoe County Sheriff's Office requests the Board of County Commissioners to authorize the Sheriff to donate a 2005 Chevy Suburban to the Deer Trail Rural Fire Protection District, an all-volunteer organization serving the eastern plains of Arapahoe County.

### **Background**

The Deer Trail Fire Department is a one-station fire department that serves a significant portion of the eastern part of Arapahoe County. The Fire Chief is in need of a reliable response vehicle to travel to, and direct fire attack within his district and as a mutual aid partner to the Sheriff's Office and the five other rural fire departments on the plains. The Sheriff's Office was approached by the Fire Chief of the all-volunteer Deer Trail Rural Fire District regarding the potential of the County donating a used 4x4 vehicle. The Chief stated the County donated, nearly ten years ago, the vehicle they currently use as it was heading to auction. He also said sustaining and maintaining their current vehicle is beginning to consume limited budget funds.

Based on this history and similar donations to the Arapahoe Rescue Patrol, Fleet Services identified a Sheriff's Office 2005 Chevy Suburban that was slated for auction. The Fire Chief and his fleet manager inspected the vehicle and understood the mechanical problems identified by fleet. Those concerns are the need to replace the front air bag impact sensor and the instrument cluster. The Chief agreed to take the vehicle in as-is condition.

### **Links to Align Arapahoe**

Safe Communities, the fire chief responds to both structure and wildland fires across the eastern portion of Arapahoe County.

**Discussion**

While donating the vehicle would forgo the auction proceeds returning to the county coffers, the better value is in the donation. Deer Trail is a large fire district with limited revenue and staffed entirely by volunteers. The value created for the district and the county as a whole is significant, in that the district firefighters are mutual aid response partners to the Sheriff's Office, Byers Fire, Strasburg Fire, Bennett-Watkins Fire, and Sable Altura Fire. These response are supported by the chief arriving to the fires and medical calls in a safe and timely manner in order to establish command and direct incoming resources to maximize fire suppression and life-saving efforts.

**Alternatives**

Disallowing the donation is the alternative and would ensure the county receives the proceeds from the auction. The Fire District would continue looking for an alternative for a Chief's vehicle.

**Fiscal Impact**

According to Fleet Management, the Kelly Blue Book value for this vehicle is between \$4,500 and \$6,000. The fiscal impact is offset by the increased capacity of Deer Trail Rural Fire District to better serve the district residents and its mutual-aid partners, including Arapahoe County.

**Reviewed By**

Nathan Fogg, Emergency Manager  
Olga Fajaros, Sheriff's Finance Manager  
Ken McKlem, Captain  
Glenn Thompson, Bureau Chief  
Tyler Brown, Sheriff