

# ICENOGLE | SEAVER | POGUE

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June 21, 2013

**VIA FACSIMILE OR ELECTRONIC MAIL**

Clerk and Recorder(s)

City Clerk(s)

(Per Attached Distribution List)

**Re: E-470 PUBLIC HIGHWAY AUTHORITY/NOTICE OF REGULAR  
MEETING– JUNE 27, 2013**

Dear Clerks:

Following is a Notice of Regular Meeting of the Board of Directors scheduled for Thursday, June 27, 2013 for the E-470 Public Highway Authority. Please post the notice in the appropriate place in the Administration Building.

Thank you for your assistance in this matter. As always, should you have any questions or concerns, please contact our office.

Thank you,

ICENOGLE | SEAVER | POGUE  
A Professional Corporation

Donette B. Hunter  
Paralegal

:dbh

Enc.

## **DISTRIBUTION LIST**

Adams County Clerk & Recorder  
Adams County Colorado  
Attn: Fancy  
4430 South Adams County Parkway  
Brighton, Colorado 80601  
*Facsimile: (720) 523-6009*

Arapahoe County Clerk & Recorder  
Arapahoe County Colorado  
Attn: Pricilla  
5334 South Prince Street  
Littleton, Colorado 80166  
*Electronic Mail: clerk@co.arapahoe.co.us*

Douglas County Clerk & Recorder  
Douglas County Colorado  
Attn: Laura  
P.O. Box 1360  
Castle Rock, Colorado 80104  
*Electronic Mail: Recording@douglas.co.us*

Weld County Clerk & Recorder  
Weld County Colorado  
915 10<sup>th</sup> Street  
Greeley, Colorado 80632  
*Electronic Mail: twaters@co.weld.co.us*

City of Greeley  
City Clerk  
1000 10<sup>th</sup> Street  
Greeley, Colorado 80631  
*Facsimile: (970) 350-9828*

City of Arvada  
Craig Kocian, City Manager  
8108 Ralston Road  
Arvada, Colorado 80002  
*Facsimile: (720) 898-7515*

City of Aurora  
Attn: City Clerk  
15151 East Alameda Parkway  
Aurora, Colorado 80012  
*Electronic Mail: cityclerk@ci.aurora.co.us*

City of Thornton  
Attn: Vanessa  
9500 Civic Center Drive  
Thornton, Colorado 80229  
*Facsimile: (303) 538-7224*

City of Brighton  
City Clerk  
22 South 4<sup>th</sup> Avenue  
Brighton, Colorado 80601  
*Facsimile: (303) 655-2158*

City of Commerce City  
City Clerk  
5291 East 60<sup>th</sup> Avenue  
Commerce City, Colorado 80022  
*Facsimile: (303) 289-3688*

Town of Parker  
Carol Baumgartner, Town Clerk  
20120 East Main Street  
Parker, Colorado 80138  
*Electronic Mail: clerk@parkeronline.org*  
*Electronic Mail: cbaumgartner@parkeronline.org*

City of Broomfield  
City Clerk  
One DesCombes Drive  
Broomfield, Colorado 80020  
*Electronic Mail: cityclerk@broomfield.org*

**NOTICE OF REGULAR MEETING  
OF THE  
E-470 PUBLIC HIGHWAY AUTHORITY**

**TO BE HELD  
June 27, 2013**

NOTICE IS HEREBY GIVEN that the Board of Directors of the **E-470 PUBLIC HIGHWAY AUTHORITY**, of the Counties of Adams, Arapahoe, Douglas, and Weld, the Cities of Aurora, Thornton, Brighton, Commerce City, Greeley, Broomfield, and Arvada and the Town of Parker, State of Colorado, will hold a regular meeting on Thursday, June 27, 2013 at 9:00 A.M. at 22470 East Sixth Parkway, in Aurora, Colorado 80018. The purpose of the meeting is to conduct such business as may come before the Board.

This meeting is open to the public.

**BY ORDER OF THE BOARD OF DIRECTORS:  
E-470 PUBLIC HIGHWAY AUTHORITY**

By: /s/      ICENOGLER | SEEVER | POGUE  
A Professional Corporation

General Counsel to the Authority



**E-470 Public Highway Authority  
Agenda**

**June 27, 2013  
9:00 a.m.**

**22470 E. 6<sup>th</sup> Parkway  
Aurora, Colorado 80018**

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1. Call to Order ..... Chair Randy Drennen
2. Pledge of Allegiance ..... Chair Randy Drennen
3. Public Comment ..... Chair Randy Drennen
4. Consent Calendar ..... Chair Randy Drennen
  - a. Approve Meeting Minutes of May 23, 2013
5. Finance ..... Stan Koniz
  - a. 2013 Bond Refinancing - Update
6. Operations ..... Dave Kristick
  - a. 1<sup>st</sup> Quarter Accident Report
  - b. Vehicle Registration Hold Update
7. Roadway and Engineering ..... Neil Thomson
  - a. Sign and Striping Contract - Approval
  - b. Thornton Annexation Request
  - c. ACWWA Crossing Update
8. Executive Director Report ..... John McCuskey
9. Other Business ..... Chair Randy Drennen
10. Adjourn Meeting ..... Chair Randy Drennen

**The next regularly scheduled meeting will be**

**July 11, 2013**

**at 9:00 a.m. at the E-470 Administrative Headquarters,**

**22470 E. 6<sup>th</sup> Parkway, Aurora, Colorado 80018**

## RECORD OF PROCEEDINGS

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### MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS

#### OF THE

#### E-470 PUBLIC HIGHWAY AUTHORITY

Held: Thursday, May 23, 2013, at 9:00 a.m. at 22470 E. 6<sup>th</sup>  
Parkway, Aurora, Colorado 80018.

#### Attendance:

A regular meeting of the Board of Directors of the E-470  
Public Highway Authority was held as scheduled and in  
accordance with applicable statutes of the State of Colorado,  
with the following directors present:

Randy Drennen, City of Thornton Councilmember  
Dick McLean, Mayor Brighton  
Chaz Tedesco, Adams County Commissioner  
Steve Douglas, City of Commerce City Councilmember  
Bill Holen, Arapahoe County Commissioner  
Steve Hogan, Mayor City of Aurora  
Josh Martin, Councilmember Town of Parker

Tom Tobiasson, RTD (*non-voting*)  
Mike Cheroutes, CDOT/HPTE (*non-voting*)  
Jackie Millet, DRCOG (*non-voting*)

Also present were: Joe Mahoney, RTD; Karen Long, Adams  
County Clerk and Recorder; Linda Bishop, Adams County;  
John McCuskey, executive director; Dave Kristick, deputy  
executive director; Neil Thomson, director of engineering and  
roadway maintenance; Marsha Williams, director of  
information technology; Jason Myers, controller; Alexis  
Veracruz, operations intern; Shylee Ackman, HR generalist;  
Greg Keller, work center supervisor; Rhonda Loyd,  
accounting technician; Ryan Thornton, system operations and  
administrator manager; Diane Lundquist, executive assistant;  
Jamie Heitman, financial analyst manager; Walt Arnason,  
operations manager; Heidi Weinstein, social media  
coordinator, Kendrick Stalnaker, operations intern; Jennifer  
Larson; business analyst; Mark Wood, senior support  
specialist; Christina Shugars, financial analyst; and Kris  
Collins, staff accountant; Bryan Stelmack and Josh  
Benninghoff, Stifel Nicolaus; Dan Christopherson,  
Christopherson & Co.; Dick Fontane and Robyn Moore,  
George K. Baum & Company; Scott Spendlove,

Intermountain Corporate Affairs; Sandra Gonzales, Jim Harlan, Ron Newlander and Priscilla Scadden, MHTS; Michael Lund, Piper Jaffray; Steve Gray, Rockford Gray; and Ed Icenogle and Jennifer Ivey, Icenogle Seaver Pogue, P.C.

Call to Order: Chairman Drennen called to order the regular meeting of the Board of Directors of the E-470 Public Highway Authority.

Pledge of Allegiance: Those present participated in reciting the pledge of allegiance.

Public Comment: Chairman Drennen asked for comments from the public in attendance. No members of the public asked to be heard.

Consent Agenda: Commissioner Tedesco moved approval of the consent agenda, comprising the May 9, 2013 meeting minutes. Mayor McLean seconded the motion, which was thereafter approved unanimously by the Board of Directors.

Report on 2013 Legislation: Mr. McCuskey introduced Mr. Spendlove, who has served as the Authority's legislative liaison for nine years. Mr. Spendlove summarized the 2013 session of the General Assembly, and reviewed the course of proposed legislation that could have affected the Authority and legislation which has become law affecting the Authority. The latter category included an increase in local government liability under Colorado's Governmental Immunity Act, legislation involving contracts between political subdivisions and a family medical leave act.

Vehicle Registration Fee Holds Mr. Kristick reviewed with the Board the ability of the Authority, pursuant to the Public Highway Authority Law, to request the State Department of Revenue, Division of Motor Vehicles (DMV), to place a hold on re-registration of a motor vehicle for which there is an outstanding payment obligation to the Authority, which obligation has been reduced to a hearing officer's final order (HOFO) in the Authority's administrative adjudication process.

He noted that 96% of E-470 customers pay for the use of the highway in a timely manner, either through ExpressToll or payment of license plate toll invoices. Describing in detail the process by which staff proposes to institute vehicle registration fee holds for the small minority of users of E-470 who consistently do not pay for use of the road, Mr. Kristick described the process as designed to be E-470's last available option to encourage customers to pay their tolls, to be fair to all paying E-470 customers and to actively communicate to all eligible customers that they contact E-470 to resolve these unpaid tolls, fees and civil penalties. E-470 will offer opportunities to resolve unpaid tolls, fees and penalties with a

process which is not Draconian.

Staff proposes to initially process requests to the DMV to place registration holds on vehicles with the same owner(s) at the time of entry of HOFOs (after August, 2012) and at the time of the Authority's hold request to DMV, and starting with vehicles which have accumulated greater than \$200 in tolls and associated fees and civil penalties due the Authority. Vehicles with lesser and earlier HOFO amounts will be considered for phase-in at a later time, Mr. Kristick recommended, and registration holds for vehicles not paying for use of Colorado Department of Transportation/High Performance Transportation Enterprise (HPTE) high occupancy/toll lanes will be processed when HPTE has authorized same.

Mr. Icenogle advised that Board that only the HPTE Board of Directors can authorize use of HPTE's similar power to request registration holds and that the Authority's role in connection therewith is service as a contract vendor of collection services to HPTE. Mr. Cheroutes noted that implementation of registration holds for nonpayment of amounts due may be approved at the HPTE Board of Directors meeting in June.

Mr. McCuskey noted to the Board that staff believes registration holds are in order as the registered owners who will be affected by the holds are intentionally evading toll payment and committing theft of services from the Authority.

After detailed review of the process by Mr. Kristick and discussion by the Board, upon the motion of Mayor McLean and second of Commissioner Holen, the Board unanimously voted to authorize staff to implement a vehicle registration fee hold process for customers with unpaid hearing officer final orders, with implementation of that process subject to legal review by general counsel, at the direction of executive director.

#### Temporary Tags

Mr. Kristick reported that, with the passage this past session of the General Assembly's House Bill 1289, relating to electronic titling of motor vehicles, the State has suspended work on design of temporary license plates, with an intent to evaluate and implement a more effective system that will replace the current Colorado temporary permit process, better serving the purposes of electronic toll collection.

#### Executive Director's Report:

Mr. McCuskey reported that traffic on E-470 on May 17 was 210,121 transactions, an all-time daily high for the highway. He also advised that staff has issued a request for

qualifications procurement document for toll plaza redevelopment. Mr. McCuskey announced that the Authority has received the International Bridge Tunnel and Turnpike Association award for social responsibility, in recognition of its solar energy program. The award will be presented at the IBTTA's annual conference in September. He also informed the Board that Ms. Williams is a finalist for recognition by the Denver Business Journal as the community's outstanding chief information officer.

Staff Changes:

Mr. McCuskey announced the promotion of Jamie Heitman to financial analyst manager and introduced Christina Shugars, financial analyst and Kris Collins, staff accountant to the Board.

Adjournment:

There being no further business to come before the Board, Chairman Drennen declared the meeting adjourned.

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Chair of the Meeting