

**5-2-1- DRAINAGE AUTHORITY
MINUTES OF THE BOARD**

July 23, 2008

**City of Grand Junction, Administration Conference Room
Grand Junction, Colorado**

Chairman Jim Doody called roll of the Board Members.

Board Members Present:

Jim Doody, Chairman	City of Grand Junction
Mel Mulder, Vice-Chairman	City of Fruita
Dave Walker, Treasurer	Town of Palisade Excused
Steve Acquafresca, Asst. Sec.	Mesa County Commissioner
Richard Bowman, Secretary	Grand Valley Drainage District

Also Present:

Eric Mende (5-2-1 Drainage Authority, Manager), **John Ballagh** (Grand Valley Drainage District, Manager), **Julie Constan** (Engineer, Mesa County), **Tim Moore** (City of Grand Junction, Public Works & Planning Director), **Nathan Boddy** (Town of Palisade Planning), **Vohnnie Pearson** (Citizen), **Brent Britton** (Western Colorado Stormwater, Inc.), **Yvonne Charlesworth** (5-2-1 Drainage Authority, Recording Secretary),

Chairman Jim Doody opened the meeting at 3:00 p.m.

Agenda:

Chairman Jim Doody asked for a motion to adopt the agenda. Steve Acquafresca made the motion. Richard Bowman seconded. Motion passed on voice vote.

Minutes:

Chairman Jim Doody asked for a motion to approve the Minutes of June 25, 2008. Steve Acquafresca made the motion to accept the minutes as presented. Richard Bowman seconded. Motion passed on voice vote.

Action Items:

Agenda Item 1: Approve Resolution 2008-01 Credit Card Agreement/Application:

Eric Mende asked the Board to approve the application for a credit card with a spending limit of \$1000 for day-to-day operation of the business. Any increase in the limit amount will also be done by Resolution and presented to the Board for approval. Mel Mulder asked for a monthly use report. Eric will change Resolution 2008-01 to include a monthly credit card use report in the monthly financial reports.

Mel Mulder made the motion to approve the Resolution 2008-01 appointing the 5-2-1 Manager as the Authorized Official to execute a credit card agreement on behalf of and in the name of the 5-2-1 Drainage Authority for a Business Edition Plus VISA card with a credit

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limit of \$1000 and to include a monthly use report in the monthly financials. Steve Acquafresca seconded the motion.

The roll call vote results:	Contracting Party	Vote
	City of Fruita	yes
	Mesa County	yes
	Grand Junction Drainage District	yes
	City of Grand Junction	yes

Agenda Item 2: Purchase Furniture, computers, and miscellaneous furnishings:
Eric requested the Board to approve \$21,000 to purchase the furniture and office machines necessary to furnish the new office. He advised that the office space is empty, there is air conditioning and lighting but that's it. Eric and Yvonne are getting proposals from vendors to install a phone system and internet connections. The \$21,000 is less than budgeted but Eric wants to make the Board aware of the amount of the expenditure. If the Board OK's the expenditure, we will start ordering the furniture. The estimated amount for the computer for the inspector is \$2500 which is more than the actual amount of \$1800 for Eric's computer. Julie asked if that price includes the software. Eric was unsure.

Steve Acquafresca advised there is a used office furniture store on Hwy. 6 & 50 by Freeway Bowl and stated they have some items that are like new. Eric stated he would check the store out and do more shopping before buying. Richard Bowman asked about going through the City or the County. Eric and Julie advised that using the designated County furniture supplier would be much more expensive.

Steve asked if the motion is limited to \$21,000, will Eric come back to the Board for any overage. Eric responded yes, stating that a large copier will be an additional expense of \$6,000 to \$9,000 that will be needed later, but not now.

Eric advised it will take about 2 weeks to put the office together. The delivery time for office furniture is unknown but he estimated the middle of August. Jim Doody asked about scheduling the August Board Meeting at the new office. Eric advised he didn't want to commit until he knows we will physically be there by that time but shares the goal of having the August Board meeting there. If he can give the Board a notice one week before the meeting he will have the meeting there.

Richard Bowman moved that the Board authorize the Manager to purchase the office furniture as outlined in Action Item #2 to a maximum expenditure of \$21,000. Steve Acquafresca seconded the motion. The motion passed on voice vote.

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Agenda Item 3: Financial Report:

Eric advised that the financials have a different look this month. The line items have been expanded and the new code system has been employed. The expansion doesn't quite match the Budget line items, but our accounting consultant, Bill Baltzell, advised that as long as the line items roll up into the major categories, we are in good shape. The current month P&L was deleted because all those items are a part of the year-to-date P&L Budget Performance spreadsheet. We still have the check register, the Balance Sheet and the Bank Reconciliations. The last sheet is new. It is the Revenue Summary and Monthly Offsets report, which documents contributions by the County and the Drainage District. The monthly expenses for each entity are outlined at the bottom of the sheet.

Steve Acquafresca stated he was unable to find the auditor's recommendations in the audit report. John Ballagh advised that the recommendations come in a separate letter because the report goes to the state, and auditors are not comfortable with putting that level of detail in a report that goes to the government. John and Eric reviewed the recommendations with the auditor. Those recommendations have not been received in writing from the auditor yet so there is nothing for the Board to look at.

Steve Acquafresca made the motion to approve the financials. Mel Mulder seconded the motion. Motion carried by voice vote.

Agenda Item 4: Resolution 2008-02 to Adopt Mesa County Purchasing Policies:

Eric advised that the 5-2-1 DA currently uses the City of Grand Junction's purchasing policies that were adopted previously. In accordance with the Fiscal Agent Agreement, the 5-2-1 DA should follow Mesa County purchasing policies. Therefore the Resolution rescinds the City policies and adopts Mesa County policies. Also, since the Authority maintains its own books, accounts, and spending authority, the Resolution documents text changes replacing the Board of County Commissioners with the 5-2-1 Board, and replacing Mesa County Purchasing Director with 5-2-1 Manager such that it is clear that the 5-2-1 Board and the 5-2-1 DA Manager control 5-2-1 DA expenditures.

A direct purchasing limit for employees is proposed at \$1000. This authorization will be in addition to the \$1000 credit card purchasing limit. The Resolution allows Eric to make direct purchases up to that amount. All checks still require two members of the Board to sign, so the Board still has control over what is bought. Richard Bowman asked if the bills will pass through the Mesa County system. Eric answered no, all bills will go directly to the 5-2-1 DA.

Mel Mulder moved that the Board approve Resolution 2008-02 adopting Mesa County Purchasing Policies for use by the 5-2-1 Drainage Authority, and setting a direct purchasing limit of \$1000 for the Authority Manager. Richard Bowman seconded the motion.

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The roll call vote results:	Contracting Party	Vote
	City of Fruita	yes
	Mesa County	yes
	Grand Junction Drainage District	yes
	City of Grand Junction	yes

Agenda Item 5: Resolution 2008-03 Adoption of Fixed Asset Capitalization Policy:
Eric stated that it is a recommendation from Paul Miller's audit to have a defined fixed asset capitalization policy, which doesn't currently exist. Eric advised that the 5-2-1 DA received 2 trucks from the GVDD in January 2008 that will be capitalized, some of the furniture may be on the capital list and the large copier if and when it is bought. The contracting entities all have different policies, so there isn't a single policy the 5-2-1 DA can copy. Mesa County uses a \$5000 value and 1 year useful life, Grand Junction uses a \$5000 and a 3 year useful life, and Fruita uses a \$1000 value and 3 year useful life. Looking at the capital assets that will be obtained during the next couple of years, Eric recommended a threshold of \$2000 together with a useful life greater than 3 years. If items purchased aren't capitalized, they will be expensed in the year of purchase.

Steve Acquafresca made the motion to approve Resolution 2008-03, adopting the Fixed Asset Capitalization Policy for the 5-2-1 DA. Richard Bowman seconded the motion.

The roll call vote results:	Contracting Party	Vote
	City of Fruita	yes
	Mesa County	yes
	Grand Junction Drainage District	yes
	City of Grand Junction	yes

Reports:

Agenda Item 6: Manager's Report:

Eric advised that recruitment for the Office Administrator position brought in 33 applications. The list was paired to six but one dropped out so 5 will be interviewed. Interviews will take place Monday morning July 28th and Tuesday afternoon July 29th.

The office lease was signed July 16th but the offices aren't ready to be moved into yet. First the phone system needs installed. Eric has met with one installer but felt the bid was a little high. He will be meeting with Qwest on Thursday for a quote, and has two more vendors he will meet with later in the week.

Steve Acquafresca inquired about the booth at the Mesa County Fair. Eric informed the Board that he, Yvonne, Wayne Fry from the Drainage District, Ken Haley from Fruita, and Nathan Boddy had all agreed to man the booth and stated their designated times. He advised the tent was almost blown over about 6:15 on Tuesday. Nobody volunteered for Saturday or

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Sunday which would probably be the 2 biggest days for traffic. Eric said most of the traffic during his watch consisted of people who wanted stickers and other items for their kids. Eric doesn't think manning a booth by himself most of the time was a good use of his time. The Board agreed that Eric's time would be better spent elsewhere. Jim Doody asked Tim Moore what Grand Junction did for volunteers. Tim Moore advised that the City has enough personnel that they have no problem finding volunteers. The City volunteers that are non-exempt are compensated for their time and the exempt employees trade for time off. Richard Bowman stated that as the 5-2-1 DA grows, there will be more people available to volunteer. Jim Doody thought that County employees are assigned slots at the Farmers Market. The Board decided that a booth at different events is still desirable and the 5-2-1 needs the exposure but certain events may not be appropriate.

Eric informed the Board that he attended the stormwater training classes. He reported there were three different classes, the CDOT class, the stormwater class, and the inspector's class. He and Julie did a small presentation in the ECS class. Julie advised that the classes have been held since 2004 and there is always a presentation on local regulations and expectations.

The Board asked visitor Brent Britton of Western Colorado Stormwater, Inc. what his opinion of the classes was. Brent stated there is so much information about the push for compliance with state law, but there aren't enough state inspectors and the 5-2-1 DA has no inspectors yet. His concern was that the contractors are out of compliance and they will continue to get away with not complying. There needs to be a way to keep them in compliance. Eric advised that the development project the inspector's class looked at as a class exercise had 18 things wrong with it. If the state were to inspect the site they would be in big trouble. The SWMP had it all set up but the BMP's were not followed in the field. Julie advised that there are 10 inspections per year in Mesa County with 150 permits issued per year.

Eric told the Board that Scott Olson is the instructor for the classes. He is very good and has 15 years teaching experience. Scott's opinion is that it is going to take a change in mind set. That's what the inspector's classes are about. It's a learning experience for the developer to change from a paperwork exercise to true field compliance. Richard Bowman advised there are always problems when there aren't enough inspectors to keep companies in compliance. The state only has 4 to 5 full-time employees covering the stormwater section.

Eric informed the Board that the City of Grand Junction did the administrative work for the classes. He expected to receive a bill for any overage of expenses. Julie advised that things are set up to break even so no bill will probably be forthcoming. Steve Acquafresca asked if these are the same classes he attended. Julie stated that they are.

Eric stated that as the 5-2-1 DA ramps up, there will be a change in mind set because oversight will be significantly higher. The purpose of the 5-2-1 DA is to educate people and

keep them out of trouble rather than to fine them and shut them down. If the state were to inspect these sites, they could be fined \$10,000 per day or issued a cease and desist order. Jim Doody stated that there is a big void in the 5-2-1 DA's power. Brent asked if the authority is given to the 5-2-1, what will happen from the 5-2-1? Eric stated that discussion will follow shortly.

Eric announced that he would be attending the SDA Conference in Breckenridge in September. He asked the Board to let him or Yvonne know if anyone wants to attend.

Steve Acquafresca announced that Eric will be interviewed on KAFM public radio on the 3rd Thursday of August. If anyone wants to tune in, the station is located on 88.1 FM and the show will air at 12:00 noon. It is Steve's show. Jim Doody asked that the Board be sent an email reminder. Steve stated the show has been running 4 to 5 years and discusses topics such as conservation, farm and ranch, resources, etc. He stated you can call in with questions.

Discussion Item:

Agenda Item 7: Request from Drainage District Board:

A letter was received from the GVDD Board requesting 5-2-1 DA support for an important construction project. Eric turned the discussion over to John and Julie. John stated the Drainage District Board is asking the 5-2-1 DA to be the lead agency in applying for an energy impact grant from DOLA to complete the last part of a drain along 32 ½ Road. John stated that the project began with construction of drain improvements at the Rocky Mountain Elementary school on 32 ½ Road and D ¾ Road. The project has been constructed to E ½ Road and plans are to continue it north to F Road to existing drains near the Clifton Post Office just east of the park and ride on the south side of Hwy. 6. The grant would be for the last ½ mile to F Road which means getting under the railroad. The last bid for boring under the railroad was \$440,000. It is estimated around \$500,000 will be needed by the time the work will be done. CDOT will also benefit from improved drainage from the park and ride. The Drainage District and Mesa County plan to continue the project and can find matching money. Since the 5-2-1 DA is not subject to Tabor, the 5-2-1 DA has the ability to apply for and accept grant money. No federal money will be involved. The railroad portion is not impossible. They do have strict guidelines that will have to be adhered to.

Julie stated that Mesa County is familiar with the DOLA grant process. She felt it will be hard to tie the project to energy impact issues and if CDOT is mentioned, the grant application may be thrown out. The state cannot benefit from its own grant monies. However, a majority of the people who use the park and ride are energy people and there could be a way to not mention CDOT in the application. Richard Bowman stated that CDOT is proposing total detention of water at the park and ride. He stated this would be a good opportunity for the 5-2-1 DA to make itself known. He asked if anyone has talked to DOLA yet. John and Julie

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confirmed that has not happened yet. Julie stated she is speaking from previous experience applying for County projects.

The County has 3 projects they are applying for in the August 1st grant cycle. There are two bridge projects, and the animal services project. Tim Moore suggested looking into a community block grant and asked if that area would qualify. Julie stated that it could because that area is low income. Richard Bowman suggested the 5-2-1 DA talk to DOLA and he strongly recommended that the 5-2-1 DA work at this grant.

Julie advised that it is too late to apply for the August 1st grant cycle because we only have one week to put it together and that the 5-2-1 DA would be well advised to focus on the December cycle. John stated that the 5-2-1 DA doesn't fall under TABOR and they should go for funds that others under TABOR can't. There are huge demands for drainage improvements and the 5-2-1 DA needs to ask for the money. Mel Mulder said the very worst would be that they say no and the 5-2-1 DA will have learned from the experience. Eric suggested the 5-2-1 DA go for the December cycle which will allow for time to get organized, contact DOLA and find out what to do. From a construction standpoint that time frame would make sense. The 5-2-1 DA would find out by February if they were successful, and design and construction could take place next year.

John said he is hesitant about the priority of this project and this is just the first request. He stated he wanted the 5-2-1 DA Board to look at it to see if it meets DOLA guidelines. There are other projects out there the 5-2-1 DA has to focus on, such as the Orchard Mesa pre-disaster mitigation and the Lewis Wash pre-disaster mitigation. He suggested that maybe the money would be better used elsewhere; this is just a first request.

Tim Moore stated he supports Eric's timing for DOLA. He advised there are 3 tiers of DOLA grants each year. Tier 1 is for \$200,000, Tier 2 is \$3,000,000, and Tier 3 is for \$10,000,000. The grants are for multi-jurisdictional entities so the 5-2-1 DA is a good candidate for future requests.

Steve stated the goal is to get DOLA to buy into the fact that long term drainage is energy related leaving CDOT out of the December request. Richard Bowman asked about matching money, needing a design consultant, and needing a design for the application process. Tim Moore stated the application would only have to state general costs. Steve asked if maybe the railroad would contribute money for the underpass. Tim Moore said that would put more demands on PUC funds. Richard Bowman asked about drainage concerns regarding the railroad being stable. Steve stated if the boring didn't take place, the railroad would become a detention dam. Richard Bowman stated it would be worth pursuing. Jim Doody stated there are still items to be discussed and asked for a letter back to the Drainage District. Eric stated he would draft the letter. John asked that the request just be considered.

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Agenda Item 8: Permit Services IGA:

Eric advised that the current IGA draft is a clean version that includes direction from the Board and 2 rounds of revision by the DATS team. Staff is generally in agreement that this is a good boilerplate. There are two policy goals listed on the agenda cover sheet: 1) to transfer performance responsibility for most State mandated MS4 stormwater permit activities from individual entities to the Authority; and 2) to pursue a single, valley-wide MS4 permit under the name of the Authority, thereby eliminating the 7 existing permits. Both of these goals are included in the IGA. The current version calls for uploading services now and in the next few months apply for the valley-wide permit. Eric's conversation with Nathan Moore indicated this is the way to go. At this time the 5-2-1 has no staff and limited money. If the state is going to grant the permit, the enforcement issue needs to be resolved. Eric used the South East Metro Storm Water Association (SEMSWA) as an example. They were originally going to hold the permit for both the City of Centennial and Arapahoe County. Arapahoe County backed out because of the enforcement issue. Centennial gave enforcement powers to SEMSWA including stop work orders and the ability to levy fines. For Centennial, SEMSWA handles permit applications, permit review including reviewing SWMP's, and inspections. Arapahoe County retains their own review/approval/inspection/permit process. What Arapahoe County gets from SEMSWA is basically capital projects and operations and maintenance (storm drain cleaning, etc.) They have a budget of \$10,000,000 per year, are funded by a utility fee, and have 25 staff people.

The 5-2-1 DA needs to decide where we want to be and how to get there. Activities would be uploaded first, then move forward with the permit application. The IGA includes a hard date for the application, namely April 1st, instead of a time frame. It would be hard to decide when a time frame would begin with all the different entities signing their individual IGA's at different times. DATS discussed what an appropriate date would be. April 1st is a conservative date that was picked because of all the activities that will be on-going in the next few months including the application process. The application process could possibly be accomplished before April 1st. Eric is not comfortable with an expedited schedule because of concerns surrounding staffing, the budget process, local permit applications, number of permits that need monitoring, etc. Julie advised that within Mesa County's urbanized area there has been a slowdown in development applications and perhaps things could be expedited because of the slowdown. Eric stated he would rather be less aggressive and be two months ahead of the deadline rather than miss it.

Eric advised that the format of the individual IGA's was discussed at the staff meetings. The City of Grand Junction's attorney requested a change to a basic IGA with a scope of services attached. Eric feels it doesn't matter what format is used as long as the general concept is agreed to. Julie stated that Mesa County is ready to move whenever the 5-2-1 DA is ready to move. She is in favor of supporting a January 1st deadline to implement SWMP reviews and

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the construction permit process because of the timing for issuing construction permits, the budget approval, and the calendar year. Eric said it all depends if we have enough support people. The main issue is the ability to review the plans along with all the other things that are on his plate but January 1st was reasonable and could be achieved.

Richard Bowman asked about staffing concerns. Eric stated the Office Administrator and Inspector will be hired in the next couple of months. Richard asked if the entire permit would be taken on. Eric stated only Public Education, Public Participation, pre- and post-construction activities and training would be uploaded. Richard asked if drainage plan review is included. Eric said no, not the way most people think of in terms of drainage plan review. The 5-2-1 DA will only review drainage plans for consistency with basin master plans, with detention basin locations, and direct discharges into major washes such as Lewis Wash in consideration of the wash's hydrology. Development review, engineering plans review, and review of post-development hydrology/hydraulics will stay with the local development review entity.

Julie stated the level of construction permits has dropped to two this year in Mesa County's urbanized area, and Grand Junction has around 20 for an estimated total of around 25 permits issued. She discussed the amount of time it takes to review each permit. It takes eight hours for the initial SWMP review and response back to the applicant. There is usually a second review involved but rarely a third review. It takes four hours to get ready for an inspection with follow-up in the office of about four hours. Then there is compliance assistance and follow-up afterwards.

Richard asked about the attorney's feelings on enforcement. Julie said Mesa County can't issue fines, their remedy consists of taking the issue to District Court. They can issue stop work orders and violations. Their plan is that the 5-2-1 DA would inspect for compliance and then turn problems over to Mesa County who would step in with stop work orders, etc. Eric mentioned that Nathan's concern is that the 5-2-1 DA would turn the problems over and the County wouldn't pursue the issue. Julie stated that in that case the permit would land back in the County's lap. Richard said his opinion as a former state regulator is that the state won't issue a permit without enforcement authority. Julie stated there would be an agreement to work out the issues. Richard said if the permitted agency doesn't have enforcement authority, any enforcement issue would go in a circle from the 5-2-1 DA to the entity and back to the state, and the state won't issue a permit with that probability. Eric will put together a formal letter to the state, not Nathan, asking what exactly is needed.

Richard inquired about the contract entity's contributions and asked what the entity gets out of it. Will there be a fee on top of the contribution to get the permit going? Eric stated the contract entity's contribution is all that will be assessed them to get the permit going. The fee is for Orchard Mesa Irrigation District, School District 51, and Grand Valley Water Users.

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Eric has not approached them yet regarding what that fee might be. He asked the Board what the fee should cover. The three other entities will benefit from the 5-2-1 DA's public education and public participation programs. None of them have enforcement authority in their jurisdictions. When it comes to doing drainage projects they would have to do them themselves. Eric asked if he should negotiate a rate with them or if it should be on a pay-as-you-go basis. If a rate, what should that rate be, \$2000 or \$5000 or what? John stated that a good negotiation campaign would include the \$10,000 per day fines and attorney costs and go up from there.

Eric stated it is easier to upload non-standard MS4's based on the enforcement part. Julie stated that for Mesa County, the 5-2-1 DA is expected to oversee construction permits in the urbanized area including being sure BMP's are installed and maintained. There is an annual report to the state that non-standard MS4's have to comply with also. They would identify the number of permits issued and the number of enforcement cases. Jim Doody stated that at the end of the day, the County, Grand Junction and the Drainage District would no longer have to send individual reports. He asked if the IGA contains language alluding to fees assessed to the other entities. Eric brought the Board's attention to paragraph 5 of the IGA which is the fee for services paragraph. There would be a lump sum assessed through December 2009. The negotiation for this lump sum will be different for each entity because of the different levels of service. Julie advised that School District 51 only includes the high schools. She stated they would be a good partner because they were the ones who made it possible for the schools to work on the billboard design of the fish. In return the County agreed to maintain the catch basins for them. Eric stated if the managers want to get rid of the headache, it will take negotiation. He hopes it is the intent of the Board to collect a fee.

Richard suggested we look at what the work involves and the amount of money connected with that. That would determine how to negotiate. Eric asked if the fee is too high, would they just be out. Richard stated there has to be a fee. He asked how the budget compared with the number of people being hired by the 5-2-1 DA. The Board has talked about two different levels of staffing. Eric stated that there would be three people including himself, the Office Administrator, and an Inspector. Julie wasn't sure what type of service is needed. If the permit is uploaded the 5-2-1 DA, it needs to make sure the entities are actually doing the work in the field. The other entities may not want to participate because they would have to do more work to ensure compliance to the 5-2-1 DA.

Richard asked if the 5-2-1 DA would become an enforcer. The 5-2-1 DA needs to know how much these entities want us to do, is it enforcement or just compliance? There are all levels of involvement. Eric stated that is one of the reasons why he wants an extended date in applying for the permit. We need to go into detail of permit activities and cost involved. The 5-2-1 DA is a small organization where everyone will be wearing a lot of hats.

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Eric inquired about the Board's comfort level with the text of the IGA. Will the IGA pass and the 5-2-1 DA start with the individual IGA's and start the negotiation process? Eric will talk to the state and draft a letter from the 5-2-1 DA to the state asking for their definition of enforcement and what level they are willing to accept from the 5-2-1 DA. Tim stated Grand Junction does what they can. They have the Municipal Court. Julie stated that the 5-2-1 DA shouldn't slow down uploading services.

The Board concurred that the general IGA boilerplate was adequate and gave Eric direction to go forward with the individual IGA's, looking to the end of September for the individual IGA's to be considered. Eric stated that tentatively, an inspector will be hired by the end of September, and permit uploading will begin in October. Richard suggested the 5-2-1 DA makes sure it has the necessary staff, then apply for the permit.

Jim Doody stated the last two months has been challenging, that the enforcement issue will be challenging, and he appreciates all the hard work.

Agenda Item 9: URS Presentation on Douglas Wash:

URS didn't show up to the meeting and didn't contact anyone to let them know. They had agreed to be here.

Adjourn:

The meeting adjourned at 5:00 p.m.

Jim Doody, Chairman

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