

**A MEMORANDUM OF UNDERSTANDING
ESTABLISHING THE MANAGEMENT AGENCY
FOR THE BEAR CREEK WATERSHED**

SCOPE AND PURPOSE AND PURPOSE

This memorandum of understanding provides a framework and opportunity for joint participation in planning, coordinating and reviewing activities for the purpose of implementing a continuing areawide water quality and wastewater management program for the Bear Creek Watershed, as shown in the *Metro Vision 2020 Clean Water Plan*. The Bear Creek Watershed is shown in Figure 1.

Membership entities are designed general purpose governments, special districts and all other National Pollutant Discharge Elimination System permittees as designated by the Colorado Department of Public Health and Environment in the Bear Creek Watershed. The Bear Creek Watershed Association, as the designated management agency, will consist of all membership entities and designated participants. Designated participants are all entities, other than membership entities, that demonstrate vested interest and support for the Bear Creek management program as defined in the regional Clean Water Plan. Membership entities will be given a vote on all matters pertaining to management agency, operating agency and general purpose government responsibilities as defined in this memorandum of Understanding.

The eligible membership entities in the Bear Creek Watershed Association include the City of Lakewood, Town of Morrison, Clear Creek County, Jefferson County, Park County, Evergreen Metropolitan District, West Jefferson County Metropolitan District, Genesee Water and Sanitation District, Kittredge Sanitation and Water District, Willowbrook Water and Sanitation District, Forest Hills Metropolitan District, Jefferson County Schools, Conifer Center Sanitation Association, West/Brandt Foundation, Brook Forest Inn, Bear Creek Development Corporation, and Davidson Lodge.

This Memorandum describes the roles and responsibilities of the management agency, operating agencies and general purpose governments as related to water quality management activities in the Bear Creek watershed. This Memorandum of Understanding may be executed by each of the governmental, special district, or other appropriate entities, jointly or individually and when such entities have executed this Memorandum, jointly or individually, such executed copies shall be deemed a full and complete Memorandum between those entities executing such Memorandum.

THE MANAGEMENT AGENCY

The Management Agency shall include membership entities agreeing to this Memorandum of Understanding. Such members have the expressed expectation of joint participation and cooperation in petitioning the Governor of the State of Colorado to designate the Bear Creek Watershed Association as the Management Agency for the

Bear Creek Watershed as shown in the regional Clean Water Plan maintained by the Denver regional Council of Governments.

The Management Agency is designed to provide three primary benefits:

1. Ensuring an effective regional water quality management program is maintained, which is consistent with the Bear Creek Watershed Control Regulation as adopted by the Colorado Water Quality Control Commission and recommended in the regional Clean Water Plan;
2. Ensuring cost effective local wastewater management systems within the parameters of the areawide Clean Water Plan; and
3. Identifying and managing activities that ensure compliance with the adopted regional Clean Water Plan.

The Management Agency, in addition to being responsible for implementing the Clean Water Plan, decides on the need for and specific characteristics of wastewater treatment processes and the details of implementation within the parameters of the areawide Clean Water Plan. A watershed association approach has been defined in order to provide a subregional opportunity to coordinate water quality activities.

Management Agency Responsibilities

The management agency responsibilities of the Bear Creek Watershed Association are hereby defined as:

1. Annually submit progress reports which summarize all water quality and wastewater management activities to the designated planning agency, DRCOG.
2. Review, approve, and forward to the appropriate areawide planning agency, all 201 Facility Plans, specifications and any other management area plans that may be required by the Management Agency.
3. When applicable, through contract with the operating agencies, make application, accept, and utilize federal or state funding for wastewater treatment purposes.
4. Provide administrative, technical and operational assistance to the operating agencies using financial and in-kind resources provided by the member entities as approved by the governing bodies of the member entities.
5. Review water quality and wastewater management proposals for regional consistency with the regional Clean Water Plan.

6. Develop, in cooperation with the operating agencies, a five-year capital improvements program for water quality and wastewater management projects which will be the basis for assessing financial need and preparing a recommended priority ranking for receiving loan or other financial assistance; and prepare and forward to DRCOG such a recommended priority ranking for submittal to the Water Quality Control Division of the Colorado Department of Public Health and Environment.
7. Prepare and submit Clean Water Plan amendments to DRCOG.
8. Receive information from DRCOG and disperse that information, as appropriate, to the operating agencies, participating local governments and participants in the Bear Creek Watershed Association.
9. Evaluation and monitor surface, ground, and storm water quality, as determined by the Bear Creek Watershed Association and the Bear Creek Control Regulation.
10. Prepare an annual capital and operating budget for the next fiscal year by October 1st and administer any financial resources provided by the member entities to fund such budget. The Management Agency has no authority to obligate the members financially by contract or otherwise. All funding shall be at the sole discretion of each member entity. Failure of a member entity to appropriate funds for the Management Agency will not be sufficient cause to terminate that member entity's participation in the Management Agency.

OPERATING AGENCIES

Operating agencies are defined as those counties, municipalities, special districts, industrial dischargers or other NPDES permittees that perform wastewater treatment and discharge treated wastewater to waters of the state within the Bear Creek Watershed as designated in the Clean Water Plan. Operating agencies include the City of Lakewood, Town of Morrison, Evergreen Metropolitan District, West Jefferson County Metropolitan District, Genesee Water and Sanitation District, Kittredge Sanitation and Water District, Willowbrook Water and Sanitation District, Forest Hills Metropolitan District, Jefferson County Schools, Conifer Center Sanitation Association, West/Brandt foundation, Brook Forest Inn, Bear Creek Development Corporation, and Davidson Lodge.

Operating Agency Responsibilities

1. Implement federal and state requirements, as appropriate, including discharge limitations, operation and maintenance procedures, user charges, industrial cost recovery, industrial pretreatment, within its service

area.

2. Operate and manage wastewater treatment works and related facilities within its service area.
3. Design and construct new wastewater treatment facilities within its service area.
4. Accept and utilize financial assistance for wastewater treatment works within its service area.
5. Raise revenues and incur indebtedness as provided by statute.
6. Provide assistance for the operation of the management agency, as determined by the Bear Creek Watershed Association.
7. Submit to the Bear Creek Watershed Association information related to projects for which federal or other funds may be solicited.
8. Annually designate a representative and alternate to the Bear Creek Watershed Association who shall have the authority to vote on each issue considered by the association.
9. Submit to the Bear Creek Watershed Association information affecting its service area relative to the extension of water and wastewater transmission lines and the addition of new areas within the boundary of the operating agency.
10. Consider the implementation of any water quality plan or proposal agreed upon by the management agency. However, the adoption and enforcement of any regulation needed to comply with any such plan or proposal shall remain within the sole discretion and jurisdiction of each operating agency.

GENERAL PURPOSE GOVERNMENTS

General Purpose Governments are defined as those counties, municipalities, or other entities that have legislative authority to enact and enforce water quality or land use regulations or have the power to establish erosion control measures. Member General Purpose Governments may include: Clear Creek County, Jefferson County, Park County, City of Lakewood, and Town of Morrison.

General Purpose Government Responsibilities

1. Forward to the Bear Creek Watershed Association for its review information affecting the Bear Creek Watershed relative to land use,

zoning, and annexation, including any amendments to the Comprehensive Plan which impact water quality.

2. Annually designate a representative and alternate to the Bear Creek Watershed Association, unless otherwise designated pursuant to the responsibilities as an operating agency. The representative shall have the authority to vote on each issue considered by the association.
3. Forward to the Bear Creek Watershed Association for its review service plans for proposed sanitation districts and amendments to service plans for existing sanitation districts in the Bear Creek Watershed.
4. It shall be the responsibility of each General Purpose Government to consider the implementation of any water quality plan or proposal agreed upon by the management agency. Adoption and enforcement of any regulation needed to comply with any such plan or proposal shall remain within the sole discretion and jurisdiction of each General Purpose Government.

ADDITION OF NEW MEMBERS

Entities who are counties, municipalities, special districts, industrial dischargers or other NPDES Permittees as designated in the Clean Water Plan or entities in unincorporated areas having legislative authority to enact and enforce water quality control or land use regulations or have the power to establish erosion control measures, shall be admitted as new members after approving and signing this agreement.

TERMINATION OF MEMBERSHIP IN THE MANAGEMENT AGENCY

Each of the members by agreeing to this Memorandum of Understanding, express an expectation of joint participation and cooperation in the activities for which the Bear Creek Watershed Association has been organized. However, each of the members reserves its right to terminate its membership by giving the remaining members thirty (30) days advance written notice of termination of membership in the event such decision is made to do so. Notice of termination of membership will be submitted to DRCOG for amendment to the Clean Water Plan.

This Memorandum of Understanding is hereby ratified and approved by each party hereto on this _____ day of _____, 1996,

By: _____ Attest:

City of Lakewood

By: _____ Attest:

Town of Morrison

By: _____

Attest: _____
Clear Creek County

By: _____

Attest: _____
Jefferson County

By: _____

Attest: _____
Park County

By: _____

Attest: _____
Evergreen Metropolitan District

By: _____

Attest: _____
West Jefferson County Metropolitan District

By: _____

Attest: _____
Genesee Water and Sanitation District

By: _____

Attest: _____

Kittredge Sanitation and Water District

By: _____

Attest: _____
Willowbrook Water and Sanitation District

By: _____

Attest: _____
Forest Hills Metropolitan District

By: _____

Attest: _____
Jefferson County Schools

By: _____

Attest: _____
Conifer Center Sanitation Association

By: _____

Attest: _____
West/Brandt Foundation

By: _____

Attest: _____
Brook Forest Inn

By: _____

Attest: _____
Bear Creek Development Corporation

By: _____

Attest: _____
Davidson Lodge