

**BRIGHTON CITY COUNCIL RESOLUTION**

**CITY OF BRIGHTON AND THE GREATER BRIGHTON FIRE PROTECTION  
DISTRICT INTERGOVERNMENTAL AGREEMENT**

**RESOLUTION NO: 2017-122**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, APPROVING AN *INTERGOVERNMENTAL AGREEMENT FOR THE ASSESSMENT, COLLECTION AND REMITTANCE OF EMERGENCY SERVICES IMPACT FEES* BETWEEN THE CITY OF BRIGHTON AND THE GREATER BRIGHTON FIRE PROTECTION DISTRICT (THE “IGA”); AUTHORIZING THE MAYOR TO EXECUTE SAID IGA ON BEHALF OF THE CITY OF BRIGHTON AND THE CITY CLERK TO ATTEST THERETO; AND SETTING FORTH OTHER DETAILS RELATED THERETO.**

*WHEREAS*, in 2016, House Bill 16-1088 was enacted by the Colorado Legislature, which allows a municipality to impose an impact fee to fund qualifying expenditures by a fire district on capital facilities needed to serve new development; and

*WHEREAS*, HB 16-1088 has been codified as C.R.S. §29-20103(1.3), §29-20-104.5 and §32-1-1002(d.5) (the “Enabling Legislation”); and

*WHEREAS*, C.R.S §29-1-203 grants the City of Brighton (the “City”) and the Greater Brighton Fire Protection District (the “District”) the authority to cooperate or contract with one another to provide functions or services lawfully authorized to each or either of them; and

*WHEREAS*, pursuant to the Enabling Legislation:

- imposition of the impact fee would be a condition of issuance of a development permit by the City for new development; and
- the District is required to quantify the reasonable impacts of the proposed new development on existing capital facilities and establish the impact fee at a level no greater than necessary to defray the impacts directly related to the proposed new development; and
- the impact fee cannot be imposed to remedy any deficiency in capital facilities that exists without regard to the proposed new development; and
- whether the impact will be imposed is at the sole discretion of the City; and
- the City must confer with the District and the owner/developer of the proposed new development to assess and determine whether there should be an impact fee imposed to defray the impacts to the District; and
- if the City, in its sole discretion, elects to impose the impact fee to fund expenditures by the District for capital facilities directly related to the proposed new development, the City and the District enter into an Intergovernmental Agreement (IGA) defining the impact fee and the details of collection and remittance of the impact fee; and

*WHEREAS*, the City and the District have entered into good faith negotiations and have agreed upon an IGA, a copy of which is attached hereto as Exhibit A, and incorporated herein by this reference; and

**WHEREAS**, the City Council finds and determines that the terms of the IGA are reasonable and it is in the best interests of the City to enter into the IGA with the District.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON AS FOLLOWS:**


1. That the “*Intergovernmental Agreement for the Assessment, Collection and Remittance of Emergency Services Impact Fees*” by and between the City of Brighton and the Greater Brighton Fire Protection District, a copy of which is attached hereto, is hereby approved.
2. That the Mayor is hereby authorized to execute said IGA on behalf of the City, and the City Clerk to attest thereto.
3. That the City Manager is hereby authorized to execute such documents and undertake such tasks as may be required to finalize and implement the IGA on behalf of the City.

**RESOLVED**, this 17<sup>th</sup> day of October, 2017.


CITY OF BRIGHTON, COLORADO

  
Richard N. McLean, Mayor

ATTEST:

  
Natalie Hoel, City Clerk

APPROVED AS TO FORM:

  
Margaret R. Brubaker, City Attorney