

AGENDA
1322nd Regular Meeting of the
CITY COUNCIL
December 20, 2011
7:00 p.m.

1. CALL TO ORDER
2. INVOCATION – Pastor David Baca, The Crossing Church of the Nazarene
3. PLEDGE OF ALLEGIANCE
4. ROLL CALL OF COUNCIL
5. APPROVAL OF AGENDA
6. AUDIENCE PARTICIPATION

DURING THIS PORTION OF THE MEETING, ANYONE MAY SPEAK ON ANY SUBJECT WHICH DOES NOT LATER APPEAR ON THE AGENDA AS A PUBLIC HEARING. SPEAKING TIME WILL BE LIMITED TO FIVE MINUTES PER INDIVIDUAL/TOPIC WITH A ONE HOUR LIMIT ON THIS SEGMENT OF THE AGENDA. IF YOU WISH TO SPEAK, PLEASE SIGN UP ON THE REGISTER LOCATED INSIDE THE COUNCIL CHAMBERS, PRIOR TO THE MEETING.

- A. Presentations
None
- B. Audience Participation
- C. Staff Reports
None

7. COUNCIL COMMENTS/COMMUNICATIONS
8. CONSENT CALENDAR

ITEMS OF A ROUTINE AND NON-CONTROVERSIAL NATURE ARE PLACED ON THE CONSENT CALENDAR TO ALLOW THE CITY COUNCIL TO SPEND ITS TIME AND ENERGY ON THE IMPORTANT ITEMS ON A LENGTHY AGENDA. ANY COUNCILMEMBER MAY REQUEST THAT AN ITEM BE "PULLED" FROM THE CONSENT CALENDAR AND CONSIDERED SEPARATELY. AGENDA ITEMS PULLED FROM THE CONSENT CALENDAR WILL BE PLACED ON THE AGENDA AT THE END OF THE MATTERS LISTED UNDER "BUSINESS - ACTION ITEMS."

- A. Approval of Minutes - December 6, 2011 Regular City Council Meeting. [220-BC]
- B. A Resolution appointing City Council representatives to various Boards and Commissions for 2012 and 2013. [220-GE]
- C. A Resolution approving an Intergovernmental Agreement between the Adams County Board of County Commissioners and the City of Thornton for the provision of animal shelter and adoption services. [620-AG]

9. PUBLIC HEARINGS

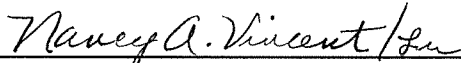
IN ORDER TO SCHEDULE THE TIMING AND LENGTH OF PUBLIC HEARINGS FOR THE CONVENIENCE OF THE COUNCIL, THE GENERAL PUBLIC, AND INTERESTED PARTIES, THE FIRST PUBLIC HEARING WILL BEGIN AT OR BEFORE 7:30 P.M., OR AS SOON THEREAFTER AS POSSIBLE. THIS SEGMENT OF THE AGENDA WILL LAST NO MORE THAN 2 HOURS. PROPONENTS AND OPPONENTS WHO WISH TO SPEAK ARE REQUESTED TO SIGN UP, PRIOR TO THE BEGINNING OF THE MEETING, ON THE REGISTER LOCATED INSIDE THE COUNCIL CHAMBERS, AND LIMIT THEIR REMARKS TO 5 MINUTES. GROUPS OF CITIZENS BROUGHT TOGETHER BY A COMMON INTEREST ARE REQUESTED TO CHOOSE A SPOKESPERSON WHOSE TIME TO COMMENT WILL BE EXTENDED TO 10 MINUTES. SPEAKERS MAY BE ASKED TO BE SWORN IN BY THE CITY CLERK IF THEY WISH TO SUBMIT FACTS RATHER THAN OPINIONS.

- A. A public hearing regarding a Resolution approving and authorizing submission of the 2012 Annual Action Plan and the associated activities for Community Development Block Grant funding. **[Public Hearing]** [340-AG]

10. ACTION ITEMS

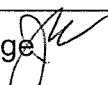
- A. A Resolution regarding the use of the Adams County Detention Facility for municipal inmates. [620-GE]

11. ADJOURNMENT



Agenda prepared by Nancy A. Vincent, City Clerk
for Jack Ethredge, City Manager

COUNCIL COMMUNICATION

Meeting Date: December 20, 2011	Agenda Item: 8A	Agenda Location: Consent Calendar	Work Plan #	Legal Review: N/A	<input type="checkbox"/> 1 st Reading <input type="checkbox"/> 2 nd Reading
Subject: A Motion approving the Minutes of the December 6, 2011 Regular City Council meeting. [220-BC]					
Recommended by: Jack Ethredge 			Approved by: Jack Ethredge		Ordinance previously introduced by: _____
Presenter(s): Nancy Vincent, City Clerk					

SYNOPSIS:

The official Minutes of the December 6, 2011 Regular City Council meeting have been prepared by the City Clerk's Office and are hereby submitted for Council's approval.

RECOMMENDATION:

Staff recommends approval of Minutes as requested.

BUDGET/STAFF IMPLICATIONS:

None

ALTERNATIVES:

1. Approve the minutes as submitted.
2. Approve the minutes with corrections requested by Council.

BACKGROUND (ANALYSIS/NEXT STEPS/HISTORY): (includes previous City Council action)

None

MINUTES
THORNTON CITY COUNCIL
REGULAR MEETING
December 6, 2011

1. CALL TO ORDER
2. INVOCATION - Pastor Lonnie Trujillo, Legacy Christian Fellowship
3. PLEDGE OF ALLEGIANCE - Presentation of Colors by Hunters Glen Elementary Cub Scout Pack 223 Den 5
4. ROLL CALL OF COUNCIL - Those Present were: Mayor Heidi K. Williams, Councilmember Jenice "JJ" Dove, Councilmember Randy Drennen, Councilmember Lynne Fox, Councilmember Mack Goodman, Mayor pro tem Eva Henry, Councilmember Beth Humenik, Councilmember Eric Tade, and Councilmember Val Vigil.

STAFF MEMBERS PRESENT - Jack Ethredge, City Manager; Margaret Emerich, City Attorney; Bud Elliot, Deputy City Manager for Infrastructure; Jeff Coder, Deputy City Manager for City Development; Mike Soderberg, Executive Director for Community Services; Charles Long, Deputy City Manager for Management Services; Chuck Seest, Finance Director; Robb Kolstad, Budget Manager; Nancy Vincent; City Clerk, and Karren Werft, Deputy City Clerk.

5. APPROVAL OF AGENDA

MOTION WAS MADE BY COUNCILMEMBER ERIC TADE AND SECONDED BY MAYOR PRO TEM EVA HENRY TO APPROVE THE AGENDA AS PRESENTED. MOTION PASSED UNANIMOUSLY.

6. AUDIENCE PARTICIPATION

- A. Presentations

None

- B. Audience Participation

None

- C. Staff Reports

None

7. COUNCIL COMMENTS/COMMUNICATIONS

Councilmember Fox thanked everyone who attended the disc golf course public meeting last night and reported on the results of the meeting. She also thanked the cub scouts for presenting the colors this evening.

Councilmember Humenik also thanked those who participated in the disc golf course meeting last night. She invited everyone to WinterFest this weekend.

Councilmember Tade thanked the cub scouts for posting the colors and invited other scout troops to participate. He also welcomed the boy scout members who were present in the audience.

Councilmember Vigil extended his condolences to the Melonakis family on the loss of their mother.

Mayor Williams thanked the members of Boy Scout Troop 132 who were present in the audience. She also invited everyone to the WinterFest activities this weekend.

8. CONSENT CALENDAR

MOTION WAS MADE BY COUNCILMEMBER LYNNE FOX AND SECONDED BY MAYOR PRO TEM EVA HENRY TO APPROVE THE CONSENT CALENDAR AS PRESENTED. MOTION PASSED UNANIMOUSLY.

THE FOLLOWING DOCUMENTS WERE APPROVED ON THE CONSENT CALENDAR:

- A. Approval of Minutes November 22 Special and November 29, 2011, Regular City Council Meetings.
- B. Monthly Financial Report for October 2011.
- C. A Resolution approving the First Amendment to the Intergovernmental Agreement establishing the Rocky Flats Stewardship Council.
- D. A Resolution appointing the firm of Eide Bailly, LLP for the performance of the City's annual audit.
- E. A Resolution accepting the City of Thornton Firefighters' Old Hire Pension Plan Annual Report of the plan's financial status.
- F. A Resolution adopting the 2012 City Council meeting schedule and changing the date for certain regular City Council meetings.

9. PUBLIC HEARINGS

None

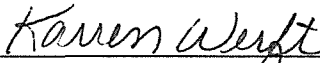
10. ACTION ITEMS

None

11. ADJOURNMENT

MOTION WAS MADE BY COUNCILMEMBER BETH HUMENIK AND SECONDED BY MAYOR PRO TEM EVA HENRY TO ADJOURN THE MEETING AT 7:11 P.M. MOTION PASSED UNANIMOUSLY.

Respectfully submitted,



Karren Werft, Deputy City Clerk

ATTEST:

Mayor at time of approval

COUNCIL COMMUNICATION

Meeting Date: December 20, 2011	Agenda Item: 8B	Agenda Location: Consent Calendar	Work Plan #	Legal Review: <i>MJE</i>	<input type="checkbox"/> 1 st Reading <input type="checkbox"/> 2 nd Reading
Subject: A Resolution appointing City Council representatives to various boards and commissions for 2012 and 2013.					
Recommended by: Jack Ethredge				Approved by: Jack Ethredge	
Presenter(s): Nancy Vincent, City Clerk				Ordinance previously introduced by: _____	

SYNOPSIS:

The current appointments expire December 31, 2011 making it necessary for City Council to designate its representatives for various boards and commissions at this time. The attached resolution appoints City Council representatives for 2012 and 2013.

RECOMMENDATION:

Staff recommends approval of the resolution to appoint City Council representatives to the various regional Boards and Commissions in order to provide continuous representation for the City.

BUDGET/STAFF IMPLICATIONS:

No budget implication is associated with these appointments.

ALTERNATIVES:

1. Approve the resolution
2. Approve the resolution with amendments
3. Deny the resolution

BACKGROUND (ANALYSIS/NEXT STEPS/HISTORY): (includes previous City Council action)

City Council annually appoints members to represent the City on various regional Boards and Commissions. During the 2011 appointing process, Council directed staff to extend appointments to two years starting 2012.

RESOLUTION

A RESOLUTION APPOINTING CITY COUNCIL REPRESENTATIVES TO VARIOUS BOARDS AND COMMISSIONS FOR 2012 AND 2013.

WHEREAS, the City of Thornton participates in a variety of Denver metropolitan Boards and Commissions through its City Council representatives; and

WHEREAS, the City Council determines which City Council members will represent the City on those various Boards and Commissions; and

WHEREAS, the City Council desires to establish Council representatives as per the attached.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF THORNTON, COLORADO, AS FOLLOWS:

That the Council of the City of Thornton approves the appointment of City Council representatives to the various Boards and Commissions for 2012 and 2013 as set forth in Exhibit A attached hereto and incorporated herein.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Thornton, Colorado, on _____, 2011.

CITY OF THORNTON, COLORADO

Heidi K. Williams, Mayor

ATTEST:

Nancy A. Vincent, City Clerk

EXHIBIT A

2012-2013 COUNCIL REPRESENTATIVES ON EXTERNAL BOARDS AND COMMISSIONS

BOARD/COMMISSION	APPOINTEE
Adams County Economic Development	Member – Eva Henry Alternate – Mike Masciola
Adams County Community Transit Policy Council	Member – Lisa Ranalli
Airport Coordinating Committee	Member – Mack Goodman Alternate – Joyce Hunt
Colorado Municipal League Policy Committee	Member – Lynne Fox Member – Val Vigil Alternate – Jenice “JJ” Dove
Denver Regional Council of Governments	Member – Val Vigil Alternate – Beth Humenik
E-470 Authority	Member – Randy Drennen Alternate – Eric Tade
I-25 Corridor Mayors Group	Member – Heidi Williams Alternate – Eva Henry
North Area Transportation Alliance (NATA)	Member – Val Vigil Alternate – Heidi Williams
Rangeview Library District Liaison	Member – Lynne Fox Alternate – Jenice “JJ” Dove
Rocky Flats Stewardship Council	Member – Eric Tade Alternate – Emily Hunt
School District 27-J Capital Facilities Foundation	Member – Lynne Fox

COUNCIL COMMUNICATION

Meeting Date: December 20, 2011	Agenda Item: 8C	Agenda Location: Consent Calendar	Work Plan #	Legal Review: <i>WAE</i>	<input type="checkbox"/> 1 st Reading <input type="checkbox"/> 2 nd Reading
Subject: A Resolution approving an intergovernmental agreement between the Adams County Board of County Commissioners and the City of Thornton for the provision of animal shelter and adoption services.					
Recommended by: Randy Nelson <i>RN</i>				Approved by: Jack Ethredge <i>JE</i>	
Presenter(s): Randy Nelson, Executive Director – Interim Police Chief <i>RN</i>				Ordinance previously introduced by: _____	

SYNOPSIS:

This Resolution authorizes an Intergovernmental Agreement (“Agreement”) between Adams County and the City to provide animal impoundment, housing, shelter, care, euthanasia and disposal services for a one-year term commencing on January 1, 2012, and terminating on December 31, 2012. The Resolution also authorizes the City Manager to execute extensions of the Agreement for successive years up to and including 2016 so long as the agreement is substantially the same as prior agreements.

One change to the Agreement in 2012 is language stating the Adams County Animal Shelter will not accept fowl or other food producing animals without the express permission of the Animal Shelter/Adoption Center Manager, which shall be given at his/her sole discretion. The other change to the Agreement is financial responsibility for the City of Thornton if a pregnant female animal has her litter within the first five days, or if the animal has a nursing litter when brought to the Adams County Animal Shelter. The shelter will be assessing a \$20 one time fee per live littermate. It is not anticipated this will have a substantial budget impact to the 2012 budget.

RECOMMENDATION:

Staff recommends approval of the resolution to provide animal impoundment, housing, shelter care, euthanasia and animal disposal services to the City of Thornton and to ensure animal shelter services are provided in an uninterrupted manner.

BUDGET/STAFF IMPLICATIONS:

Staff estimates the cost of services related to the Adams County Animal Shelter to be less than \$185,000 in 2012 and \$5,700 for emergency veterinarian care based on an estimated 50 or more sick or injured animals per year at \$100 per animal. It is unknown how many animals under the sick or injured definition will need emergency care before being admitted to the Adams County Shelter. Thornton Animal Control Officers will make every effort to identify and have a sick or injured animal examined by one of the City contracted veterinarians prior to housing the animal at the Adams County Shelter.

ALTERNATIVES:

There has been no alternative service provider identified.

BACKGROUND (ANALYSIS/NEXT STEPS/HISTORY): (includes previous City Council action)

In 2011, the Adams County Shelter added a requirement of having all sick or injured animals be examined or treated prior to being admitted to the shelter. The Adams County Shelter worked with the City to allow Thornton Animal Control Officers to retrieve the animal and have them seen by one of two City contracted veterinarian services. There were no substantial budget impacts as it relates to sick or injured animals being examined or treated by the shelter.

The changes to the agreement in 2011 required Animal Control Officers to now obtain the impound numbers from the shelter computer system, complete all computer information and enter impound data into that system. The Adams County Shelter manager is currently working with staff members from the Thornton Police Department and the Adams County Shelter employees to share the work load involved with the intake of animals at the shelter.

The City has utilized the Adams County Shelter for animal related services since 1991. The prior intergovernmental agreements charged an annual flat rate of \$105,084 in 2003, \$115,956 for 2004, \$133,536 for 2005, \$146,892 for 2006, \$161,580 for 2007, \$177,624 for 2008, \$195,384 for 2009, and \$202,224 for 2010. In 2011 the Adams County Shelter moved to a per animal fee and the City approved a budget of \$202,224, of which \$103,968 has been expended as of October 2011.

RESOLUTION

A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE ADAMS COUNTY BOARD OF COUNTY COMMISSIONERS, AND THE CITY OF THORNTON FOR THE PROVISION OF ANIMAL SHELTER AND ADOPTION SERVICES.

WHEREAS, the City of Thornton ("City") has been utilizing the Adams County Animal Shelter/Adoption Center (ACASAC) since 1991 to provide for animal control, shelter and adoption services; and

WHEREAS, City staff has negotiated this Intergovernmental Agreement with ACASAC representatives to handle the City's animal shelter needs for 2012; and

WHEREAS, the City will benefit by this Intergovernmental Agreement with ACASAC by providing uninterrupted shelter services for animals at a reasonable cost.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF THORNTON, COLORADO, AS FOLLOWS:

1. The Intergovernmental Agreement, between the City and the Adams County Board of County Commissioners for the provision of animal shelter and adoption services, in the form attached, is hereby approved.
2. The City Manager is hereby authorized to execute and, the City Clerk to attest, on behalf of the City, this Intergovernmental Agreement and any successive annual renewals or extensions of the Intergovernmental Agreement for the years 2013 through 2016, if such renewals or extensions have substantially similar conditions as are hereby approved.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Thornton, Colorado, on _____, 2011.

CITY OF THORNTON, COLORADO

Heidi K. Williams, Mayor

ATTEST:

Nancy A. Vincent, City Clerk

**ADAMS COUNTY, COLORADO
INTERGOVERNMENTAL AGREEMENT
ANIMAL SHELTER/ADOPTION CENTER SERVICES**

THIS INTERGOVERNMENTAL AGREEMENT FOR ANIMAL SHELTER/ADOPTION CENTER SERVICES (IGA) is made this ____day of _____, 2011, by and between the Adams County Board of County Commissioners, located at 4430 S. Adams County Parkway, Suite C5000A, Brighton, CO 80601, hereinafter referred to as the "County," and the City of Thornton, located at 9500 Civic Center Dr., Thornton, CO 80229, hereinafter referred to as "Thornton." This IGA is for animal control, shelter, and adoption services to be provided by the Adams County Animal Shelter/Adoption Center (ACASAC), located at 10705 Fulton St. Brighton, CO 80601.

In consideration of the mutual promises and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the County and Thornton agree to be legally bound as follows:

SECTION I. DEFINITIONS

- A. Adoption fee: Means the amount charged to a person adopting an animal for the costs of administrative services associated with the adoption.
- B. Animal: Means a dog, cat, or other small domestic creature.
- C. Boarding fee: Means the daily amount charged for the care of an animal while at ACASAC.
- D. Care: Means regularly providing food and water to animals in the ACASAC.
- E. Impoundment fee: Means the amount, in addition to the boarding fee, charged for costs associated with picking up and impounding an animal at ACASAC.
- F. Service fees: Means other fees charged for services provided by ACASAC, not otherwise specified herein, such as fees for euthanizing animals, disposing of dead animals, etc.
- G. Shelter: Means providing an enclosed cage or pen that is regularly cleaned and maintained for an animal.

SECTION II. RESPONSIBILITIES OF THE COUNTY

- A. ACASAC, along with Thornton's animal control officer(s), shall enforce Chapter 6 of the Thornton Municipal Code, as it pertains to animal licensing and control, a copy of which is attached hereto and incorporated herein as Exhibit "A." It is, however, understood that the ACASAC will provide such services only as they pertain to dogs, cats, or other small

domestic creatures. ACASAC will not accept fowl or other food producing animals without the express permission of the Animal Shelter/Adoption Center Manager, which shall be given at his/her sole discretion. If fowl or other food producing animals are accepted by the Animal Shelter/Adoption Center Manager, the fees charged will be the same as the normal fee for other small domestic creatures. The fees charged by ACASAC for adoption, boarding, impoundment, and other services are as specified in Exhibit "B," which is attached hereto and incorporated herein by this reference.

- B. ACASAC shall provide for the shelter, care, adoption, euthanasia, and/or disposal of animals impounded because of violations of Chapter 6 of the Thornton Municipal Code.
- C. Any animal impounded for more than five (5) business days that is not reclaimed by its owner may be made available for adoption or may be humanely euthanized, at the sole discretion of the manager of the ACASAC. However, feral cats may be humanely euthanized after having been impounded for three (3) calendar days, as the circumstances at ACASAC may require based on the sole discretion of its manager.
- D. Unless ownership of a released animal is specifically acknowledged by the releasing individual, any animals brought to the ACASAC will be considered to be a stray by ACASAC. These animals will be held for five (5) days and will be processed and charged as stray.
- E. ACASAC shall have the right to immediately and humanely euthanize any animal impounded at its facility if such animal is diagnosed by a licensed veterinarian as being terminally ill, injured, or diseased.
- F. ACASAC shall quarantine animals for rabies observation, and shall report all animal bites or suspected rabid animals to the Tri-County Health Department.
- G. Any dog or cat impounded at ACASAC, with the exception of aggressive animals, shall be inoculated with a multi-spectrum booster shot.
- H. ACASAC shall maintain a telephone answering service to receive inquiries on impounded animals during its normal business hours, which shall be from 9:00 a.m. to 5:00 p.m. on weekdays, and from 9:00 a.m. to 4:00 p.m. on Saturdays. ACASAC will be closed on Sundays and on County-designated holidays.
- I. ACASAC shall maintain records on all impounded animals, including a record of each animal's disposal, and shall allow Thornton access to such records as reasonably requested. In addition, ACASAC shall submit to Thornton by the fifth (5th) calendar day of each month a summary report of animals received and the disposition thereof.
- J. Fees charged to Thornton residents for services provided hereunder shall not exceed the fees charged to other residents of Adams County for the same or similar services.

- K. The County will employ qualified personnel as necessary to perform the services to be provided hereunder.
- L. No animal impounded at ACASAC shall be sold or given away to any person, organization, company, or other entity for the purposes of medical research or experimentation.

SECTION III. RESPONSIBILITIES OF THORNTON

- A. Thornton hereby expressly authorizes ACASAC to enforce Chapter 6 of the Thornton Municipal Code, as it pertains to animal licensing and control. It is, however, understood that the County will provide such services only as they pertain to dogs, cats, or other small domestic creatures.
- B. Thornton agrees to notify the ACASAC, at least forty-eight (48) hours prior to the effective date thereof, of any changes or amendments to Chapter 6 of the Thornton Municipal Code.
- C. Thornton's animal control officers shall cooperate with and provide assistance to ACASAC concerning routine impoundment functions including: getting impound numbers from the computer; vaccinating animals; placing identification collars on animals; taking picture of animals; placing animals in pens; and completing associated impoundment documentation (i.e. scanning animals and entering the scanned number on the impound cards, entering the animal's age, weight, and rabies tag number on the impound cards, etc.).
- D. All sick and injured animals that City's animal control officers pick up must be taken to a veterinarian before impounding it into the shelter. A veterinarian report must be attached to the impound card. Sick animals are defined as animals that may be highly contagious to the rest of the animals and are showing signs such as diarrhea, bloody stools, lethargy, etc. Injured animals are defined as animals with signs of injuries including any limping as there may be a fracture, draining/infected skin wounds, appearance of mange (hair loss, especially around the head, and crusting skin), deep gashes that may need sutures, any animal that has been hit by a car, and any animal that otherwise appears to be in pain by vocalizing, whining or tensing.

SECTION IV. PAYMENTS, FEES, AND ADDITIONAL EXPENSES

- A. For all animals found in Thornton and brought to the ACASAC by either city officials or private citizens, Thornton shall pay the County the base sum of One Hundred and One Dollars (\$101.00) per animal for the first 5 days held, with an additional Seven Dollars (\$7.00) per day thereafter, and Thirty Five Dollars (\$35.00) per each animal that is dead on arrival. If the animal is a pregnant female that has her litter within the first 5 days held, or if the animal has a nursing litter when it is brought to the ACASAC, there will be an additional one time charge of Twenty Dollars (\$20.00) per live littermate. The charge for

live small animals which includes birds, rabbits, guinea pigs, and rats, will be \$50.00 per animal. Thornton shall pay the County all fees not collectable from the owner of the animal and for any animal released as "stray" that was found in Thornton. Such payment shall be made in full to the County within thirty (30) days of the receipt by Thornton of the monthly report provided by ACASAC.

- B. In addition, Thornton shall reimburse the County for boarding and other service fees associated with holding animals in excess of five (5) business days due to court holds, protective custody holds, police holds, or any other reason requested by Thornton. The boarding fee charged for holding animals in excess of five (5) business days shall be seven dollars (\$7) per day, and such additional fees shall be paid on a monthly basis.
- C. Thornton shall also reimburse the County for any veterinary expenses incurred in association with animals impounded under the terms of this IGA, when and if ACASAC's staff or contract veterinarian is unable, for whatever reason, to provide the necessary treatment. Thornton shall reimburse the County for such expenses on a monthly basis.
- D. The County shall retain all impoundment, boarding, adoption, service and/or other fees collected in association with this IGA. The County shall also retain all gifts or contributions received in association with any services provided in association with this IGA.

SECTION V. TERM

The term of this IGA shall be for a period of one (1) year commencing on January 1, 2012 and terminating on December 31, 2012.

SECTION VI. INDEPENDENT CONTRACTOR

In providing services under this IGA, the County acts as an independent contractor. As such, the County shall be solely and entirely responsible for its acts, and the acts of its employees, agents, servants, and contractors during the term and performance of this IGA. No employee, agent, servant, or contractor of the County shall be deemed to be an employee, agent, or servant of Thornton because of the performance of any services or work under this IGA. The County, at its expense, shall procure and maintain workers' compensation insurance and unemployment compensation insurance as required under Colorado law. **Pursuant to the Workers' Compensation Act, § 8-40-202(2)(b)(IV), C.R.S., as amended, the County understands that it and its employees and servants are not entitled to workers' compensation benefits from Thornton. The County further understands that it is solely obligated for the payment of federal and state income tax on any moneys earned pursuant to this IGA.**

SECTION VII. NONDISCRIMINATION

The County shall not discriminate against any employee or qualified applicant for employment because of age, race, color, religion, marital status, disability, sex, or national origin. The County agrees to post in conspicuous places, available to employees and applicants for employment, notices provided by the local public agency setting forth the provisions of this nondiscrimination clause.

SECTION VIII. INDEMNIFICATION

To the extent permitted by law, each Party agrees to indemnify and hold harmless the other, its officers, agents, and employees for, from, and against any and all claims, suits, expenses, damages, or other liabilities, including reasonable attorney fees and court costs, arising out of damage or injury to persons, entities, or property caused or sustained by any person(s) as a result of its own performance or failure to perform pursuant to the terms of this IGA. Nothing herein shall be deemed by either party as a waiver of the rights, protections, defenses and limitations afforded both in accordance with the Colorado Governmental Immunity Act C.R.S. 24-10-101 et. seq. as same may be amended from time to time.

SECTION IX. INSURANCE

The County is a “public entity” within the meaning of the Colorado Governmental Immunity Act (“Act”), § 24-10-101, *et seq.*, C.R.S., as amended, and shall at all times during the term of this IGA maintain such liability insurance, by commercial policy or self-insurance, as is necessary to meet its liabilities under the Act.

SECTION X. TERMINATION

A. For Cause

If, through any cause, the County fails to fulfill its obligations under this IGA in a timely and proper manner, or if it violates any of the covenants, conditions, or stipulations of this IGA, Thornton shall thereupon have the right to immediately terminate this IGA, upon giving written notice to the County of such termination and specifying the effective date thereof.

B. For Convenience

Either party may terminate the IGA at any time by giving written notice as specified herein to the other party, which notice shall be given at least thirty (30) days prior to the effective date of the termination. If the IGA is terminated by Thornton, the County will be paid in full for any services provided hereunder prior and up to the date of termination.

SECTION XI. MUTUAL UNDERSTANDINGS

A. Jurisdiction and Venue

The laws of the State of Colorado shall govern as to the interpretation, validity, and effect of this IGA. The parties agree that jurisdiction and venue for any disputes arising under this IGA shall be with the 17th Judicial District, Colorado.

B. Compliance with Laws

During the performance of this IGA, the parties agree to strictly adhere to all applicable federal, state, and local laws, rules and regulations, including all licensing and permit requirements. The Parties hereto acknowledge that they are familiar with § 18-8-301, *et seq.*, C.R.S. (Bribery and Corrupt Influences), as amended, and § 18-8-401, *et seq.*, C.R.S. (Abuse of Public Office), as amended, and that no violations of such provisions are present.

C. Record Retention

The parties shall maintain records and documentation of the services provided under this IGA, including fiscal records, and shall retain the records for a period of three (3) years from the date this IGA is terminated. Said records and documents shall be subject at all reasonable times to inspection, review, or audit by authorized federal, state, County, or Thornton personnel.

D. Assignability

Neither this IGA, nor any rights hereunder, in whole or in part, shall be assignable or otherwise transferable by either party without the prior written consent of the other party.

E. Waiver

Waiver of strict performance or the breach of any provision of this IGA shall not be deemed a waiver, nor shall it prejudice the waiving party's right to require strict performance of the same provision, or any other provision in the future, unless such waiver has rendered future performance commercially impossible.

F. Force Majeure

Neither party shall be liable for any delay or failure to perform its obligations hereunder to the extent that such delay or failure is caused by a force or event beyond the control of such party including, without limitation, war, embargoes, strikes, governmental restrictions, riots, fires, floods, earthquakes, or other acts of God. In the event the

ACASAC is closed as a result of an event beyond the control of the County, or for any other reason, ACASAC shall so notify Thornton.

G. Notice

Any notices given under this IGA are deemed to have been received and to be effective: (1) three (3) days after the same shall have been mailed by certified mail, return receipt requested; (2) immediately upon hand delivery; or (3) immediately upon receipt of confirmation that a facsimile or electronic mail transmission was received. For the purposes of this agreement, any and all notices shall be addressed to the contacts listed below:

For the County:

Adams County Fiscal Affairs Department
Purchasing and Expenditures
4430 S. Adams County Parkway, Suite C4000A
Brighton, Colorado 80601
Attn.: Loren Imhoff
Phone No.: (720) 523-6057
Facsimile No.: (720) 523-6058
limhoff@adcogov.org

and

Adams County Attorney's Office
4430 S. Adams County Parkway, Suite C5000B
Brighton, Colorado 80601
Phone No.: (720) 523-6116
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Attn: Hal Warren
Jennifer Stanley
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For Thornton:

Randy Nelson, Police Chief
City of Thornton
9500 Civic Center Dr.
Thornton, CO 80229
Phone No.: (720) 977-5020
Facsimile No.: (720) 977-5003
E-mail: policedept@cityofthornton.net

H. Integration of Understanding

This IGA contains the entire understanding of the parties hereto and neither it, nor the rights and obligations hereunder, may be changed, modified, or waived except by an instrument in writing that is signed by the parties.

I. Paragraph Headings

Paragraph headings are inserted for the convenience of reference only.

J. Counterparts

This IGA may be executed in multiple counterparts, each of which shall be deemed to be an original and all of which taken together shall constitute one and the same agreement.

K. Parties Interested Herein

Nothing expressed or implied in this IGA is intended or shall be construed to confer upon or to give to, any person other than the parties, any right, remedy, or claim under or by reason of this IGA or any covenant, terms, conditions, or provisions hereof. All covenants, terms, conditions, and provisions in this IGA, by and on behalf of the County and Thornton, shall be for the sole and exclusive benefit of the County and Thornton.

L. Severability

If any provision of this IGA is determined to be unenforceable or invalid for any reason, the remainder of this agreement shall remain in effect, unless otherwise terminated in accordance with the terms contained herein.

M. Authorization

Each party represents and warrants that it has the power and ability to enter into this IGA, to grant the rights granted herein, and to perform the duties and obligations herein described.

IN WITNESS WHEREOF, the parties hereto have caused their names to be affixed.

BOARD OF COUNTY COMMISSIONERS
ADAMS COUNTY, COLORADO

Chairman

Date

ATTEST:
KAREN LONG
CLERK AND RECORDER

Approved as to form:

Deputy Clerk

Adams County Attorney's Office

CITY COUNCIL
CITY OF THORNTON, COLORADO

Jack Ethredge, City Manager

Date

ATTEST:
NANCY VINCENT
CITY CLERK

Approved as to form:

Thornton City Attorney, Margaret Emerich

COUNCIL COMMUNICATION

Meeting Date:	Agenda Item:	Agenda Location:	Work Plan #	Legal Review:	
December 20, 2011	9A	Public Hearing		<i>MSE</i>	<input type="checkbox"/> 1 st Reading <input type="checkbox"/> 2 nd Reading
Subject: A Resolution approving and authorizing submission of the 2012 Annual Action Plan and the associated activities for Community Development Block Grant funding.					
Recommended by: Jeff Coder <i>JBC</i>			Approved by: Jack Ethredge <i>JEA</i>		
Presenter(s): Nicole Jeffers, Neighborhood Services Manager				Ordinance previously introduced by: <hr/>	

SYNOPSIS:

The purpose of the public hearing is to consider approving the submission of the 2012 Community Development Block Grant (CDBG) Annual Action Plan (AAP) to the U.S. Department of Housing and Urban Development (HUD). The AAP is due to HUD by January 15, 2012. The public hearing is held pursuant to CDBG regulations, which requires the City to hold a 30-day public comment period and a public hearing for the purpose of receiving written and oral comments on the City of Thornton's AAP.

RECOMMENDATION:

Staff recommends approving the 2012 Annual Action Plan for submittal to HUD. The projects identified for funding meet the national objectives of the CDBG program and support the funding priority activities as outlined in the City's long-term strategic plan (Consolidated Plan). The identified activities to address homeless and affordable housing and the basic needs of low and moderate income residents are in alignment with City Master Plans and policies.

BUDGET/STAFF IMPLICATIONS:

The City will not be notified of the actual allocation until the spring of 2012. The City anticipates receiving between \$426,000 and \$508,000 for the 2012 CDBG program year. The City may use up to 20% to cover administration of the program. Based on the previous years, staff estimates the administrative costs will be approximately \$76,000 in 2012.

ALTERNATIVES:

- Approve submission of the 2012 Annual Action Plan to HUD as is.
- Request revisions to the plan prior to submittal to HUD.

BACKGROUND (ANALYSIS/NEXT STEPS/HISTORY): (includes previous City Council action)

Community Development Block Grants (CDBG) are federal funds from the U.S. Department of Housing and Urban Development. The City has used CDBG funds in Thornton since 1986. In March 2010, Thornton became its own entitlement community, so the City now receives grant funds directly rather than having to apply through the county or state and compete with other cities for the funding.

CDBG funds must be used on projects that meet one or more of the national objectives to benefit low- and moderate-income persons; aid in the prevention or elimination of slum and blight; or meet urgent community needs.

The City's Consolidated Plan, which is the five-year strategic plan of the greatest needs in the community, guides the City in its awarding of CDBG funds. The City is required to fund projects that fall into a high priority category, as identified in the Consolidated Plan. These greatest needs are determined by citizens and local community service organizations.

Entitlements are required to submit an Annual Action Plan each year that is based upon the Consolidated Plan goals and objectives. The AAP outlines how the City will meet the six housing and community development needs during the program year. This includes identifying specific projects for 2012 CDBG funding, partnering with nonprofit agencies and leveraging other funding sources, such as Thornton Assistance Funds, Private Activity Bonds, and other resources such as Thornton Cares, to meet the underserved needs in the community.

A major part of the AAP is the City's planned action steps for addressing homelessness prevention and adequate affordable housing in 2012. The AAP states that the City will follow the City's Affordable Housing Policy, seek to expand the supply of affordable units, maintain a list of emergency shelter options, fund a down-payment assistance program with 2012 CDBG, and inform people about programs that allow low-income families, the elderly, and the disabled to afford decent, safe, and sanitary housing, such as Housing Choice Voucher, Lease to Own, and financial assistance programs. It also states that the City will participate in the Adams County Blue Ribbon Commission to Address Homelessness. To address potential impediments for people to obtaining housing, the City will promote and host homebuyer workshops and educate apartment and manufactured home park managers about fair housing laws.

The full Annual Action is located on the City website at:

<http://www.cityofthornton.net/Departments/CityDevelopment/Neighbor/GrantPrograms/Documents/MASTER%202012%20Action%20Plan.pdf>.

In 2011, the CDBG program received a 16% reduction nationwide, which cut Thornton's allocation to \$508,000.

Historical Background:

- November 29, 2011 – City staff presented all project proposals to City Council. Council recommended funding five projects as listed by priority below:
 1. Adams County Housing Authority - Welby Station Project \$300,000
 2. CHAC – Down Payment Assistance for First Time Homebuyers \$ 50,000
 3. The Senior Hub – Respite and In-Home Supportive Services \$ 10,000
 4. The Link - Case Manager and Bilingual Group Facilitator \$ 45,000
 5. Shilo Home – Sanctuary Building Improvements \$ 18,156

The Welby Station and Down Payment Assistance projects will help the City meet goals identified in the Housing Master Plan and the South Thornton Revitalization Subarea (STaR) Plan. The Senior Hub Respite care will help meet a goal identified in the Senior Services Master Plan.

- This public comment period was held from November 17 to December 20, 2011 and was posted in the Northglenn-Thornton Sentinel newspaper. The document has been available on the City website for public review since November 17, 2011.
- November 17, 2011 – The City requested public comments on the 2012 applications in the Northglenn–Thornton Sentinel (in both English and Spanish).
- October 2011 – City staff heard comments on the 2012 applications from four citizen advisory boards including the Thornton Revitalization Advisory Board, the Senior Citizen Advisory Board, the Thornton Assistance Fund Committee, and the Teen Advisory Council. A total of 18 members participated. These boards were selected because they each represent a population or have knowledge of a subject that CDBG funds should serve, such as youth and seniors, revitalization needs in the community, or nonprofits that serve the basic needs of the Thornton residents.
- September 2011 – The project applications were placed on the City’s website for public review.
- August 26, 2011 – The City received ten applications for the 2012 funding for a total of \$840,912. All projects, except part of the proposal from The Link, meet the national objectives and CDBG funding requirements.
- August 12, 2011 – City staff held a free pre-application workshop for any interested parties. Fourteen nonprofits attended the meeting. Staff also offered one-on-one technical assistance to nonprofits in completing the application and defining their project proposal.
- August 5, 2011 – City staff announced the 2012 CDBG applications were being accepted. Notices were sent to eligible agencies via e-mail and letters, posted on the City’s website and via the Northglenn–Thornton Sentinel.

RESOLUTION

A RESOLUTION APPROVING AND AUTHORIZING SUBMISSION OF THE 2012 ANNUAL ACTION PLAN AND THE ASSOCIATED ACTIVITIES FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING.

WHEREAS, the City of Thornton (City) became an entitlement jurisdiction in March 2010 and receives Community Development Block Grant funds directly from the U.S. Department of Housing and Urban Development (HUD); and

WHEREAS, the City developed the 2012 Annual Action Plan (AAP) in accordance with HUD guideline 91.220 and must deliver the AAP to HUD by January 15, 2012; and

WHEREAS, the City will use the funds towards eligible activities that meet the national objectives of the CDBG program and support the funding priority activities as outlined in the City's Consolidated Plan; and

WHEREAS, the City may use up to 20% of the grant for administration activities; and

WHEREAS, the City accepted applications from nonprofits and internal departments for projects that serve low- to moderate-income residents and special populations; and

WHEREAS, as part of the public participation process, the City received recommendations from four citizen advisory boards and commissions comprised of Thornton residents from all four City Wards, on the proposed projects and the information was presented to City Council; and

WHEREAS, per the CDBG Citizen Participation Plan, the City completed a public notification process by holding a 30-day public comment period prior to the public hearing and posted information on the AAP and proposed projects in the Northglenn-Thornton Sentinel in both English and Spanish and on the City's website for 30 days; and

WHEREAS, the City has conducted a public hearing on December 20, 2011, and having considered the matters presented, has reviewed and approved the projects and activities identified in the 2012 Annual Action Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF THORNTON, COLORADO, AS FOLLOWS:

1. That the City Council hereby approves the submission of the 2012 Annual Action Plan which outlines the activities that will be completed during the

program year and includes the assignment of CDBG funds to the following activities:

- Administrative Costs
- Adams County Housing Authority – Welby Station Project
- Colorado Housing Assistance Corporation – First-time Homebuyer Assistance
- The Link – Youth Links
- Senior Hub – Respite and In-Home Supportive Services
- Shilo Home – Sanctuary Building Improvements

2. That the City Manager is hereby authorized to execute and submit the 2012 Annual Action Plan to the U.S. Housing and Urban Development.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Thornton, Colorado, on _____, 2011.

CITY OF THORNTON, COLORADO

Heidi K. Williams, Mayor

ATTEST:

Nancy A. Vincent, City Clerk

COUNCIL COMMUNICATION

Meeting Date: December 20, 2011	Agenda Item: 10A	Agenda Location: Action Item	Work Plan #	Legal Review: <i>MAG</i>	<input type="checkbox"/> 1 st Reading <input type="checkbox"/> 2 nd Reading
Subject: A Resolution regarding the use of the Adams County Detention Facility for municipal inmates.					
Recommended by: City Council			Approved by: Jack Ethredge City Manager		Ordinance previously introduced by: _____
Presenter(s): Charles W. Long, Deputy City Manager					

SYNOPSIS:

This resolution urges the Adams County Board of County Commissioners ("BOCC") to suspend the provisions of their October 31, 2011 resolution which establishes a municipal prisoner cap of 30 effective January 1, 2012 and a charge of \$45 per day for each municipal prisoner exceeding that municipality's cap and to take the following actions:

- 1) Convene a working group with the municipalities tasked with developing recommendations to manage the jail population in a manner that meets both the County's and the Cities' public safety goals and the County's budget constraints
- 2) Establish the Criminal Justice Coordinating Committee as recommended by the National Institute of Corrections whose first task shall be to conduct an in-depth analysis of the County criminal justice system and develop recommendations on how to address these issues
- 3) Pursue evaluation of the alternatives included in the October 25, 2011 letter submitted by the City of Thornton as well as suggestions submitted by other entities to address the budgetary issues as it relates to the Adams County Detention Facility ("Jail").

The municipalities would continue to work with the Adams County Sheriff to maintain municipal inmates to below 40 while these efforts are occurring.

RECOMMENDATION:

Staff recommends approval of this resolution to clearly articulate the position of the City of Thornton with regard to policies on municipal prisoners scheduled to be implemented by Adams County at the Jail effective January 1, 2012 and to urge the BOCC to pursue the above actions in order to provide the level of analysis and consideration this issue deserves given its potential impact on the citizens of Thornton and overall public safety of the community.

BUDGET/STAFF IMPLICATIONS:

Based on discussions with the Adams County Sheriff, there are different interpretations of the BOCC's October 31st Resolution regarding whether cities would be charged as soon as they exceeded their individual inmate cap or only if the individual cap was exceeded AND the Jail was housing more than 30 municipal inmates overall. Thornton staff believes no city should be charged until the overall municipal inmate population in the Jail exceeds 30. The cities will receive a daily count of their municipal inmates taken shortly after midnight. The monthly billing would not provide detail as to the specifics of the count, but rather the cities would have to match the billing with the

daily reports for the month. If the City is required to pay \$45 per day for each inmate over 8, based on the average daily population over the last year of 18 Thornton inmates, the total annual amount would be approximately \$164,000 excluding extraordinary medical costs. This cost is not budgeted in the 2012 Budget. The Sheriff also indicated that municipalities may be responsible for the costs of extraordinary medical care after January 1, 2012.

ALTERNATIVES:

1. Approve the resolution as presented.
2. Approve the resolution as it may be amended.
3. Do not approve the resolution.

BACKGROUND (ANALYSIS/NEXT STEPS/HISTORY): (includes previous City Council action)

The BOCC approved a resolution on February 4, 1991 which exempted all municipalities within Adams County from paying any per diem charge for the cost of housing, clothing, food, medicines on hand, and services of the official jail physician, for prisoners held in the Adams County Detention Facility on the authority of the municipality.

Historical Background

December 15, 2010 - the BOCC notified all municipalities in Adams County that the BOCC had requested the Adams County Sheriff to calculate and bill municipalities for medical expenses incurred on or after January 1, 2011. In addition, the Sheriff was asked to close housing units within the detention facility by working with judges, the district attorney and police chiefs to find alternatives to incarceration for those who do not pose a significant threat to the community. The BOCC advised that the effort to reduce the number of prisoners in the jail would likely include charging municipalities a daily rate for each municipal inmate, currently estimated to cost \$88 per day.

July 29, 2011 - the Adams County Sheriff notified the municipal Police Chiefs of his intent to implement a municipal prisoner restriction effective August 15, 2011. The cap for municipalities was set at 30, down from the 2010 average daily population of 138, with each municipality allocated a specific number. Thornton was allocated 8 beds.

August 8, 2011 - the Adams County Sheriff notified the municipalities that the implementation timeline was extended to September 1, 2011 to provide additional time for the municipalities to address implementation of the municipal prisoner restriction.

August 19, 2011 – the Adams County Council of Governments Executive Committee decided to formally request the Adams County Sheriff implement a sixty day delay of the municipal prisoner restriction (to November 1, 2011) and to bring together the Police Chiefs, Prosecutors, Municipal Judges and Court Administrators (“Subcommittee”) from each jurisdiction to discuss the jail issues and develop a problem solving approach to lower the Jail population through sentencing alternatives. The recommendations were to be provided to the elected officials within 60 days.

September 1, 2011 - the Adams County Sheriff notified the municipalities that they were unable to extend the timeframe until November 1, 2011, but would extend the time to October 1, 2011.

September 21, 2011 - the District Attorney Don Quick submitted a letter to Jim Robinson, Adams County Administrator, providing recommendations developed by the Subcommittee. The Subcommittee recommended that they continue to work with the Adams County Sheriff in the short term with regard to sentencing inmates to the Jail, but that this is only a temporary solution. In order to meet the community's expectations for public safety and assure the integrity of the Courts, the Subcommittee recommended that the Jail be adequately staffed with certified deputies. The letter requested the County Administrator advise the BOCC of the Subcommittee's request to fill vacancies at the Jail as soon as possible in order to avoid the drastic remedy of releasing offenders to assure the Jail operates in a safe manner for staff and inmates.

September 30, 2011 - the Adams County Sheriff notified the municipalities that the municipal prisoner restriction implementation would be extended to November 1, 2011 to provide additional time for the committee working on these issues to finalize their discussions.

October 14, 2011 - the BOCC hosted a meeting with the municipalities and presented a handout outlining two Adams County Municipal Prisoner Policy Concepts. Option A – Soft Cap: would implement the municipal prisoner restriction to 30, with some exceptions allowed; municipalities would be charged a daily rate for prisoners exceeding the restriction. Option B – No Cap/Daily Fee Applies: established no daily cap but imposed a daily rate for municipal prisoners. The communities were asked to reconvene at a later date and indicate which option they chose.

October 25, 2011 - the BOCC hosted a meeting with the municipalities as a follow-up to the October 14, 2011 meeting. The City of Thornton submitted a letter to the BOCC stating that implementing either of the two options did not serve the public interest; would not provide the budgetary savings the County was seeking; and provided an Option C. Option C provided a number of alternatives that could aid Adams County in saving over \$3 million annually which could be used to deal with the budgetary issues impacting the operation of the jail.

October 31, 2011 - the BOCC adopted a resolution establishing an interim policy which imposed a soft cap of 30 municipal inmates beginning January 1, 2012 and when the overall municipal inmate population at the jail exceeds 30, imposing a \$45 per day charge for each inmate that exceeds the cap established for that municipality (Thornton's cap is 8). The resolution includes that municipalities would not be charged for medical expenses incurred on behalf of their inmates and that all of these policies would be reviewed by the BOCC no later than July 2012. In addition, the resolution provided that the BOCC would establish a working group with municipalities to address alternative funding solutions at the jail and establish and provide necessary funds for a Criminal Justice Coordinating Committee.

December 15, 2011 – the Adams County Sheriff sent a letter to all municipalities advising of the administrative procedures the Sheriff will follow relating to charging municipalities a \$45 daily per diem for each municipal inmate exceeding their bed space allocation. All municipalities will continue to receive a daily report to identify who is in the Sheriff's custody on their behalf. Only inmates with charges at the municipal level will be counted against the bed space allocation. If an inmate has a hold by more than one municipality, each municipality involved will be assessed one bed for this same inmate. If the involved municipalities exceed their allocations with this one inmate, the \$45 per diem fee would be split equally by each municipality. The Sheriff will not accept municipal prisoners charged with what equates to a class 2 petty offense in the Jail.

RESOLUTION

A RESOLUTION REGARDING THE USE OF THE ADAMS COUNTY DETENTION FACILITY FOR MUNICIPAL INMATES.

WHEREAS, Adams County (the "County") and the cities of Arvada, Aurora, Bennett, Brighton, Commerce City, Federal Heights, Northglenn, Thornton, and Westminster (the "Cities"), have had a longstanding relationship of cooperation; and

WHEREAS, that cooperation is evidenced in the many intergovernmental agreements among the County and the Cities pertaining to planning, revenue sharing for infrastructure, parks and open space and other amenities; and

WHEREAS, that cooperation was evidenced in 1992 when the Cities supported a proposed Adams County sales tax, the proceeds of which were earmarked to pay for the construction of a much-needed Adams County Justice Center, which ballot measure was subsequently approved by the voters in 1993; and

WHEREAS, that cooperation was evidenced again in 1996 when the Cities supported extension of the Adams County sales tax, the proceeds of which were earmarked to pay for expansion of the Adams County Detention Facility (hereinafter referred to as the "Jail"), which ballot measure was subsequently approved by the voters in 1997; and

WHEREAS, the on-going operation and maintenance of the Jail is paid for from County General Fund revenues of which nearly seventy percent comes from property taxes imposed on all properties in the County; and

WHEREAS, the value of the properties located solely within Cities constitutes nearly eighty percent of the total value of all County properties, which means that the Cities contribute over one-half of the revenues in the County General Fund; and

WHEREAS, the County owns and operates the Jail through the Adams County Sheriff; and

WHEREAS, the Board of County Commissioners authorized the use of the Jail by Cities for the confinement or punishment of offenders at **no charge** for the cost of housing, clothing, food, medicines normally on hand and services of the official Jail physician by resolution in 1991; and

WHEREAS, the housing within the Jail of municipal-sentenced inmates and others lawfully detained by municipal police agencies is a matter of public concern to all citizens of the County; and

WHEREAS, the County and the Cities recognize that criminal activity knows no jurisdictional boundaries that therefore the protection of the public from such activity requires the fullest possible extent of cooperation among all levels of government; and

WHEREAS, the provision of Jail services is a basic public safety service that residents pay for through the property taxes that the County receives; and

WHEREAS, the County and the Cities have heretofore cooperated in the implementation, administration and enforcement of the State criminal justice system; and

WHEREAS, the Board of County Commissioners, faced with a budget shortfall in 2012, have decided that reducing the Jail population could significantly lower the overall costs of operating the Jail; and

WHEREAS, the Board of County Commissioners revised the 1991 Resolution on October 31, 2011 ("Resolution") to set forth the County's intent to impose a soft cap of 30 municipal inmates at the Jail and when the overall municipal inmate population exceeds 30 to charge \$45 per day for each municipal inmate that exceeds the cap established for that municipality; and

WHEREAS, historically, of the approximately 1,200 to 1,500 inmates in the Jail on a daily basis, the Cities had, on average, 130 municipal inmates, or approximately 10% of the total inmate population; and

WHEREAS, under the present soft cap the number of daily municipal prisoners has been maintained at an average considerably less than 130 inmates; and

WHEREAS, the Cities believe that the cap is arbitrary and doesn't adequately reflect the needs of the Cities to adequately protect the public; and

WHEREAS, the Cities also believe that charging municipalities a per day fee for each municipal inmate when the count exceeds the cap established for that municipality is contrary to previous agreements and is in essence, a double charge; and

WHEREAS, because imposing this charge on the Cities could result in the possibility of the Cities having to pay hundreds of thousands of dollars in new fees that were not anticipated, many cities have had to take steps to alter the method they use to file criminal cases by filing more of these cases directly into County Court because there are no inmate limits or additional fees for people sentenced to the Jail through County Court; and

WHEREAS, filing more cases directly into County Court will result in additional costs to the County for the District Attorney's Office, the County Courts, and the Jail since many of the same people will still be sentenced to the Jail only now they will be considered County inmates and not city (municipal) inmates; and

WHEREAS, State law authorizes the formation of Municipal Courts with concurrent jurisdiction in County as well as Municipal Courts in order to, in part, alleviate the financial burden of the County to prosecute similar state violations in County Court; and

WHEREAS, the Cities have established Municipal Courts to enforce state and local laws; and

WHEREAS, the Cities recognize the budgetary impact that the economic conditions have had on the County and its need to develop a financially prudent budget plan for 2012 and beyond, as they have all faced this same issue, but believe there are alternatives to the proposed cuts in public safety services at the Jail and the imposition of a fee; and

WHEREAS, at the end of 2010, the County had nearly \$91 million in undesignated fund balance cash reserves and \$2.4 million in cash reserves designated by the Board of County Commissioners to allow the County flexibility during a serious economic downturn, in the General Fund, which budget was approximately \$165 million in 2011; and

WHEREAS, a number of the Cities are utilizing a portion of their cash reserves to fund needed services as an interim strategy until the economy recovers; and

WHEREAS, the County has the ability to utilize a portion of its fund balance to fund needed services and restore funding for the Jail; and

WHEREAS, the City of Thornton submitted a letter to the Board of County Commissioners dated October 25, 2011 outlining a number of alternatives that could result in budget savings sufficient enough to lower costs in the General Fund which would negate the need to implement a municipal inmate cap and fee; and

WHEREAS, in the Resolution the Board of County Commissioners also committed to establishing a working group with the municipalities to address alternative funding solutions at the Adams County Jail and to establish and provide the necessary funds for a Criminal Justice Coordinating Committee as recommended by the National Institute of Corrections (the "NIC"); and

WHEREAS, the Cities have worked diligently over the past six months to reduce the number of municipal inmates and are committed to working with the County and the Adams County Sheriff to continue with these efforts; and

WHEREAS, the Cities wish to express their disagreement with the restrictions and conditions contained in the Resolution, and to encourage the County to join with the Cities in a cooperative process to address the issue of housing municipal inmates in the Jail in a manner that is acceptable to both the County and the Cities.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF THORNTON, COLORADO, AS FOLLOWS:

1. The Cities urge the Board of County Commissioners to immediately suspend the Resolution as it relates to establishing a hard cap and charging the Cities a per day fee for municipal inmates exceeding the cap.

2. The Cities urge the Board of County Commissioners to pursue evaluation of the alternatives included in the October 25, 2011 letter submitted by the City of Thornton as well as suggestions submitted by other entities.

3. The Cities urge the Board of County Commissioners to utilize a portion of the County General Fund undesignated fund balance cash reserves and/or economic downturn reserves to restore funding to operate the Jail and accommodate municipal inmates, as an interim strategy, until the economy recovers.

4. The Cities urge the County to convene a working group with the Cities (the "Working Group") who shall be tasked with developing recommendations/strategies to manage the Jail population in a manner that meets both the County's and the Cities' public safety goals and the County's budget constraints.

5. The Cities urge the County to establish the Criminal Justice Coordinating Committee as recommended by the NIC (the "CJCC") whose first task shall be to conduct an in-depth analysis of the County criminal justice system and develop recommendations/strategies that can be undertaken to reduce the overall Jail population.

6. The Cities urge the Board of County Commissioners to continue with the current soft cap numbers and procedures while the Cities agree to commit to continue to work diligently with the County to maintain the number of municipal inmates below 40 while the Working Group and the CJCC are developing their recommendations/strategies.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Thornton, Colorado, on _____, 2011.

CITY OF THORNTON, COLORADO

Heidi K. Williams, Mayor

ATTEST:

Nancy Vincent, City Clerk