

RESOLUTION NO. 2013-63

A RESOLUTION APPROVING THE FIRST AMENDMENT TO ESTABLISHING INTERGOVERNMENTAL AGREEMENT FOR THE DOUGLAS COUNTY MULTIJURISDICTIONAL HOUSING AUTHORITY

WHEREAS, the Town of Castle Rock ("Town"), Colorado previously entered into the Establishing Intergovernmental Agreement for the Douglas County Multijurisdictional Housing Authority ("IGA"), by and among the City of Lone Tree, Colorado, the Town of Castle Rock, Colorado, the Town of Parker, Colorado and the County of Douglas, Colorado (collectively, the "Members"), establishing the Douglas County Multijurisdictional Housing Authority the "Authority") pursuant to 29-1-204.5, Colorado Revised Statutes, as amended ("C.R.S."); and

WHEREAS, the Members desire to amend the IGA to expressly grant the Authority the power to issue revenue bonds and enter into financing agreements, as defined in C.R.S. 29-3-104, with others to provide residential facilities for low- and middle income families or persons intended for use as the sole place of residence by the owners or intended occupants, by amending the IGA pursuant to the First Amendment to Establishing Intergovernmental Agreement for Douglas County Multijurisdictional Housing Authority by and among the Members; and

WHEREAS, there have been presented to the Council at this meeting copies of the proposed form of the First Amendment to IGA; and

WHEREAS, the Council desires to authorize, approve and direct the execution of the First Amendment to IGA to be executed by the Town of Castle Rock.

NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK AS FOLLOWS:

Section 1. Approval. The First Amendment to the Establishing Intergovernmental Agreement in the form attached as *Exhibit 1* is hereby approved. The Mayor and other proper Town officials are hereby authorized to execute the IGA by and on behalf of the Town of Castle Rock, Colorado.


PASSED, APPROVED AND ADOPTED this 3rd day of December, 2013, by the Town Council of the Town of Castle Rock, Colorado, on first and final reading by a vote of 7 for and 0 against.

ATTEST:



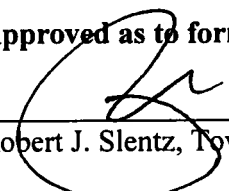
Sally A. Misare Town Clerk

TOWN OF CASTLE ROCK



Paul Donahue, Mayor

Approved as to form:



Robert J. Slentz, Town Attorney

Approved as to content:



Bill Detweiler, Director of Development Svcs.

**FIRST AMENDMENT TO
ESTABLISHING INTERGOVERNMENTAL AGREEMENT
FOR THE
DOUGLAS COUNTY MULTIJURISDICTIONAL HOUSING AUTHORITY**

WHEREAS, the City of Lone Tree, the Town of Castle Rock, the Town of Parker, and Douglas County (collectively, the "Members") previously entered into the Establishing Intergovernmental Agreement for the Douglas County Multijurisdictional Housing Authority (the "IGA"), by and among the Members, establishing the Douglas County Multijurisdictional Housing Authority (the "Authority") pursuant to 29-1-204.5, Colorado Revised Statutes, as amended ("C.R.S.");

WHEREAS, the Members desire to amend the IGA to expressly grant the Authority the power to issue conduit revenue bonds and enter into financing agreements, as defined in C.R.S. 29-3-103, with others to provide residential facilities for low- and middle income families or persons intended for use as the sole place of residence by the owners or intended occupants, pursuant to this First Amendment to Establishing Intergovernmental Agreement for Douglas County Multijurisdictional Housing Authority (the "First Amendment"), by and among the Members; and

NOW THEREFORE, the undersigned Members, pursuant to Section 29-1-203, C.R.S., as amended, hereby agree as follows:

ARTICLE I

Amendment to IGA

Section (a) "*Powers*" of Article VII of the IGA is hereby amended to include the following powers in addition to those listed in Section (a) of Article VII of the IGA:

1. To issue conduit revenue bonds and enter into financing agreements, as defined in C.R.S. 29-3-103, with others for the purpose of providing revenues to pay the bonds issued to provide residential facilities for low- and middle income families or persons intended for use as the sole place of residence by the owners or intended occupants ("Project"); to lease, sell, or otherwise dispose of any or all of its Projects to others for such revenues and upon such terms and conditions as the Authority may deem advisable; and to grant options to renew any lease or other agreement with respect to a Project and to grant options to buy any Project at such price as the Authority deems desirable.

2. To act as an issuing authority, as defined 24-32-1703, C.R.S., for the purpose of being an assignee of private activity bond volume cap allocation under the Private Activity Bond Ceiling Allocation Act, 24-32-1701, *et seq.*, C.R.S., and take all such actions as are necessary in connection with the management and preservation of any private activity bond volume cap allocations assigned to the Authority, including the execution of any Internal Revenue Service ("IRS") form without further action of the Members.

#2013096700, 12/17/2013 at 11:37:32 AM,
1 OF 6, Rec Fee \$0.00
Douglas County CO Jack Arrowsmith,
Clerk & Recorder

ARTICLE II

Provisions

(a) Applicable Law. This First Amendment shall be interpreted pursuant to the laws of the State of Colorado. The parties agree to comply with all applicable federal, state and local statutes, charter provisions, ordinances, rules, regulations and standards as are in effect at the time this First Amendment is executed.

(b) Severability. Should any one or more provisions of this First Amendment be determined to be illegal or unenforceable, all other provisions nevertheless shall remain effective; provided, however, the parties shall forthwith enter into good faith negotiations and proceed with due diligence to draft a term that will achieve the original intent of the parties hereunder.

(c) Venue. Venue for any litigation arising out of any dispute hereunder shall be in the Douglas County District Court, State of Colorado.

(d) Headings for Convenience. Headings and titles contained herein are intended for the convenience and reference of the parties only and are not intended to combine, limit, or describe the scope or intent of any provision of this First Amendment.

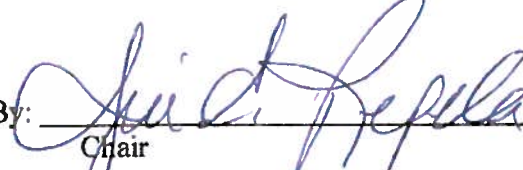
(e) No Waiver of Governmental Immunity Act. The parties hereto understand and agree that all parties, their commissioners, mayors, city councils, agents and employees, are relying on, and do not waive or intend to waive by any provisions of this First Amendment, the monetary limitations or any other rights, immunities and protections provided by the Colorado Governmental Immunity Act, §§ 24-10-101 to 120, C.R.S., or otherwise available to that party.

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THEREFORE, IN WITNESS WHEREOF, the parties hereto have executed this First Amendment as of this 10th day of Dec., 2013.

DOUGLAS COUNTY, STATE OF COLORADO

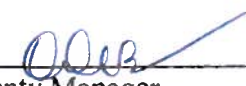
**THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO**

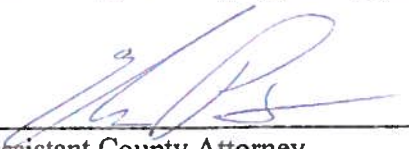
By: 
Chair


ATTEST:

Deputy Clerk



APPROVED AS TO CONTENT:

County Manager
Date: 11/25/13

APPROVED AS TO LEGAL FORM:

Assistant County Attorney
Date: Nov 18, 2013

APPROVED AS TO FISCAL CONTENT:

Director, Finance
Date: 11/19/13

CITY OF LONE TREE

By: James D. Summing
Mayor

ATTEST:

By: Jennifer Pettinger
City Clerk

TOWN OF CASTLE ROCK

Mayor

ATTEST:

APPROVED AS TO FORM:

Town Clerk

Town Attorney

TOWN OF PARKER, COLORADO

By: _____
Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

CITY OF LONE TREE

By: _____
Mayor

ATTEST:

By: _____
City Clerk

TOWN OF CASTLE ROCK

Paul Donohue

Mayor

ATTEST:

[Signature]

Town Clerk

APPROVED AS TO FORM:

[Signature]

Town Attorney

TOWN OF PARKER, COLORADO

By: _____
Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

[Signature]

Town Attorney

CITY OF LONE TREE

By: _____
Mayor

ATTEST:

By: _____
City Clerk

TOWN OF CASTLE ROCK

Mayor

ATTEST:

APPROVED AS TO FORM:

Town Clerk

Town Attorney

TOWN OF PARKER, COLORADO

By: _____
Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney