

**TOWN OF MINTURN, COLORADO**

**RESOLUTION NO. 5**

**SERIES OF 2009**

**A RESOLUTION OF THE TOWN OF MINTURN, COLORADO, APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN OF MINTURN, COLORADO AND THE EAGLE RIVER FIRE PROTECTION DISTRICT, CONCERNING THE COLLECTION, PAYMENT AND USE OF EMERGENCY SERVICE IMPACT FEES**

**WHEREAS**, the Town of Minturn, Colorado, ("Town") is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Town of Minturn Home Rule Charter of April 6, 1982 ("Charter"); and

**WHEREAS**, pursuant to C.R.S. § 31-15-601(1)(l), the Town Council has the power to erect engine houses and provide fire engines and the necessary fire apparatus for the extinguishing of fires and to provide for the use and management of the same by volunteer fire companies or otherwise; and

**WHEREAS**, the Eagle River Fire Protection District is a Colorado special district existing and operating under Title 32, Article 1, C.R.S., which includes the Town within its jurisdictional boundaries for the provision of fire protection and emergency medical services; and

**WHEREAS**, Article XI, Section 7, of the Colorado Constitution allows the State and its political subdivisions to give direct or indirect financial support and assistance to any other political subdivision as may be authorized by general statutes; and

**WHEREAS**, Article XIV, Section 18(2)(a) of the Colorado Constitution supports the cooperation or contracting by or among any of its political subdivisions to provide any function or facility lawfully authorized to each of the cooperating units, including, without limitation, the sharing of costs, the imposition of taxes, or the incurring of debts; and

**WHEREAS**, Sections 29-1-201 and 203, C.R.S., permit and encourage governmental entities to make the most efficient and effective use of their powers and responsibilities by cooperating and contracting with other governmental entities to provide any function, service or facility lawfully authorized to each, including the sharing of costs; and

**WHEREAS**, the Local Government Land Use Control Enabling Act of 1974 authorizes and encourages local governments to cooperate or contract with other units of

government for the purpose of regulating the development of land and the impacts thereof; and

WHEREAS, the Town Council has adopted Ordinance No. 2 – Series 2009 which amends Chapter 18 of the *Minturn Municipal Code* to add a new Article 12 which imposes a fire protection and emergency medical services impact fee on behalf of the Eagle River Fire Protection District.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO, as follows:

**Section 1.** The Intergovernmental Agreement between the Town and the Eagle River Fire Protection District, attached as Exhibit A hereto, is approved.

**Section 2.** The Town staff is authorized and directed to take all action necessary and appropriate with respect to the Implementation of the agreement.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO, UPON A MOTION DULY MADE. SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF MINTURN, ON THE 4<sup>th</sup> DAY OF MARCH, 2009.

TOWN OF MINTURN, COLORADO

By: *Hawkeye Flaherty*  
Gordon "Hawkeye" Flaherty, Mayor

ATTEST:

*[Signature]*  
Town Clerk

