

FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT FOR PAYMENT OF USE TAX AND EXPENDITURE FOR PROJECTS OF MUTUAL INTEREST AND BENEFIT TO THE STUDENTS OF BRIGHTON SCHOOL DISTRICT 27J AND THE RESIDENTS OF COMMERCE CITY

AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT (Intergovernmental Agreement) is made and entered into this _____ day of _____, 2012 by and between the City of Commerce City, a Colorado municipal corporation (“Commerce City”) and Brighton School District 27J of Adams County and Weld County, State of Colorado (“the School District”).

RECITALS:

WHEREAS, Commerce City and the School District are both political subdivision of the State of Colorado; and

WHEREAS, the people of the State of Colorado have authorized political subdivisions to cooperate with each other and contract in matters set forth in this agreement through the Colorado Constitution, Article XIV, Section 18(2)(a), Article XX and Article XI, Section 7; and

WHEREAS, use tax is payable to Commerce City for school construction projects constructed within Commerce City with materials purchased by private enterprise; and

WHEREAS, the School District is financially impacted as a result of the obligations for payments by it private contractors of use tax to Commerce City for materials used in the construction of School District projects; and

WHEREAS, Commerce City and the School District entered into an agreement dated December 16, 2002 regarding the collection and expenditure of use tax payable to Commerce City for public school construction projects constructed within Commerce City with materials purchased by private contractors under contract with the School District.

WHEREAS, the School District and Commerce City desire to amend the agreement title to reflect the amendments to the Agreement; to further define potential uses for the Restricted Account; and, to further define how requests for use of the Restricted Account are forwarded to the Committee.

NOW, THEREFORE, in consideration of the mutual covenants, conditions, and agreements made by Commerce City and the School District as set forth in the Intergovernmental Agreement regarding such matters, Commerce City and the School District now hereby agree to this Amendment as follows:

4. Purpose of the Restricted Account. (This section replaces the original Paragraph 4.) Funds on deposit in the Restricted Account shall be used solely for payment of the cost of financing, design, land acquisition, site development and construction, including enlargement and enhancement of (i) recreational facilities, (ii) school/park sites (iii) gymnasiums and (iv) other improvements such as but not limited to safety improvements as from time to time mutually agreed to by Commerce City and the School District, located within the common boundaries of Commerce City and the School District for joint use that mutually serve and benefit the citizens of Commerce City and students residing within the common boundaries of the City of Commerce City and Brighton School District 27J.

4.1 It is further agreed that the parties be charged with the duty to cooperate in their efforts to function in an efficient manner that will enable them to achieve the purposes of this agreement for the mutual benefit of the citizens of Commerce City and School District 27J in an expeditious manner.

5. Commerce City-School District Use Tax Committee.

5.1 It is agreed that a joint committee to be known as the Commerce City-School District 27J Use Tax Committee shall be organized to review the expenditure of funds from the Restricted Account and to recommend the projects for which the expenditure of funds from the Restricted Account shall be made. Requests for the expenditures shall be initiated and forwarded to the Committee by either the Superintendent or the City Manager. The final approval for the expenditure of funds from the Restricted Account must be obtained from the City Council on behalf of Commerce City and the Board of Education on behalf of School District 27J for each project prior to expenditure of any funds for such a project.

All other provisions of the original Intergovernmental Agreement, including the term of said Agreement, except those which are expressly amended by the Amendment, shall remain in full force and effect.

Notices to Commerce City:

City Manager
City of Commerce City
7887 E. 60th Avenue
Commerce City, CO 80022

Mayor
City of Commerce City
7887 E. 60th Avenue
Commerce City, CO 80022

Notices to School District 27J:

Superintendent
School District 27J
18551 East 160th Avenue
Brighton, CO 80601

THIS AMENDMENT AGREEMENT is made and entered into to be effective on the date as set forth above.

CITY OF COMMERCE CITY

By: _____
Sean Ford, Mayor

_____ Date

ATTEST:

Laura Bauer, City Clerk

BRIGHTON SCHOOL DISTRICT 27J

By: _____
Dr. Chris Fiedler, Superintendent

_____ Date

ATTEST:

Lynn Ann Sheats, Administrative Assistant