

**RESOLUTION APPROVING SETTLEMENT AGREEMENT RESOLVING CITY OF
COMMERCE CITY LITIGATION WITH DOUGLAS N. DARR AND THE BOARD OF
COUNTY COMMISSIONERS OF THE COUNTY OF ADAMS**

NO. 2015-54

WHEREAS, in 1991, the Adams County Board of County Commissioners (BOCC) granted municipalities within the county the right to use the Adams County Detention Facility (ACDF) to house their municipal prisoners; and

WHEREAS, in 1993, the citizens of Commerce City along with the other residents of Adams County approved a one-half of one percent increase in sales tax in order to construct the Adams County Justice Facility and, in 1997, the voters agreed to extend the tax to fund an expansion of the ACDF; and

WHEREAS, between 1998 and 2001, the citizens of Adams County contributed over \$64,000,000 in taxes to fund the construction with 75% of those monies coming from the citizens of the municipalities of Adams County; and

WHEREAS, the prior Adams County Sheriff, Douglas N. Darr, attempted to impose a cap on municipal inmates, limiting the number of inmates accepted on municipal charges to thirty (30), not including domestic violence inmates; and

WHEREAS, the cities within Adams County questioned the Sheriff's authority to limit the number of municipal inmates at the ACDF; and

WHEREAS, after negotiations and discussions with the Sheriff and the BOCC failed to result in a mutually acceptable resolution, the cities of Aurora, Commerce City, Federal Heights, Northglenn, and Thornton (the "Cities") instituted a lawsuit in the Adams County District Court against Sheriff Darr and the BOCC which is currently pending; and

WHEREAS, the parties previously executed a temporary settlement agreement, which stayed the litigation until May 15, 2015, and established a soft cap of 65 municipal inmates, not including domestic violence inmates; and

WHEREAS, the Court extended the stay and the operation of the temporary settlement agreement until July 31, 2015, so that the Parties could negotiate, draft, and execute a permanent settlement agreement; and

WHEREAS, the parties have negotiated a draft settlement agreement establishing a soft cap of 80 municipal inmates, not including domestic violence inmates; and

WHEREAS, upon execution, the new settlement agreement will replace the previous temporary settlement agreement and result in the dismissal of the lawsuit, without prejudice; and

WHEREAS, the City Council has reviewed the draft settlement agreement, attached hereto as Exhibit A, and believes that the settlement of the litigation on substantially the same terms as

those contained in the draft settlement agreement is in the best interests of the citizens of the City of Commerce City.

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

1. The City Manager and the City Clerk are hereby authorized and directed to sign and attest the final version of the settlement agreement on behalf of the City of Commerce City, provided that it is substantially similar to the attached draft settlement agreement.

RESOLVED AND PASSED THIS 20TH DAY OF JULY, 2015.

CITY OF COMMERCE CITY

Sean Ford, Mayor

ATTEST:

Laura J. Bauer, MMC, City Clerk