



North Metro Task Force Board Meeting May 28, 2015

Subject: Discuss an amendment to the North Metro Task Force Intergovernmental Agreement (IGA) related to changing the North Metro Task Force (NMTF) budget year from a fiscal year to a calendar year.

Prepared by: Todd Reeves, Task Force Commander

Recommend Action: Have the parties to the IGA approve an amendment to the IGA changing the NMTF budget year from a fiscal year to a calendar year beginning January 1, 2017.

Summary Statement:

- In 1991, through an Intergovernmental Mutual Aid Agreement, the City of Westminster, including the Jefferson County portion of Westminster, along with Adams County, the City and County of Broomfield and the municipalities of Brighton, Commerce City, Federal Heights, Northglenn and Thornton ("Parties"), established NMTF; a multijurisdictional drug task force.
- Subsequently, in 2007, the Parties agreed to the creation of the NMTF as a separate legal entity through an IGA. The IGA provides for rotation of the Host Agency responsibilities among the Parties every five (5) years.
- Section 7.0 (Budget) of the IGA establishes the fiscal year of NMTF to begin on the first day of October and end on the last day of September of each year.
- Section 7.0 (Financial Management) of the North Metro Task Force Policy and Procedures Manual, specifies that the Task Force Commander is responsible for drafting and implementing the Task Force's budget in accordance with State of Colorado Local Government Budget Law, Colorado Revised Statutes Title 29, Article 1, Part 1 (Budget Law).
- Budget Law, C.R.S. 29-1-102 (9) defines "fiscal year" as the period commencing January 1 and ending December 31; except that "fiscal year" may mean the federal fiscal year for water conservancy districts which have contracts with the federal government.
- In order to comply with this provision of the Budget Law, an amendment of the IGA is necessary to change the fiscal year of NMTF to begin on January 1 and end on December 31 annually.
- Transitioning from the current fiscal year to a calendar year will require NMTF to report on an extended year covering October 1, 2015 to December 31, 2016.

Policy Issue:

Should the parties to the IGA amend the IGA to change the NMTF budget year from a fiscal year to a calendar year beginning January 1, 2017 with the transition year covering October 1, 2015 to December 31, 2016?

Alternative:

Parties to the IGA could decide not to approve the amendment. This alternative is not recommended as amending the IGA is necessary for NMTF to follow the procedures set forth in the Budget Law.

Background Information:

The NMTF was established pursuant to a Mutual Aid Agreement dated November 14, 1991 among Adams County, City and County of Broomfield and the municipalities of Brighton, Commerce City, Federal Heights, Northglenn, Thornton and Westminster ("Parties"). The purpose of the Task Force is to identify, investigate and prosecute individuals and groups involved in illegal trafficking of drugs and other criminal enterprises in a coordinated, effective manner. Subsequently the Task Force was established as a legal entity by an IGA approved by all of the Parties on February 2, 2007. The IGA sets forth the guidelines for the selection of a Host Agency from the Parties to provide support to the Task Force in all areas, including but not limited to, budget administration, facility management, finance, information technology and legal services for a period of three (3) years. On August 25, 2009 the IGA was amended to extend the number of years for the Host Agency's responsibilities from three (3) to five (5). Sharing responsibility for daily operations oversight and financial administration on a rotational basis provides the opportunity for a "fresh look" at the administrative processes and procedures to ensure that the Task Force is managed in the most efficient manner for long term sustainability. Additionally, the NMTF Policies and Procedures Manual (Manual) establishes the policies and procedures that govern the Task Force's operations.

During the preparation of the NMTF 2015/2016 budget, Staff discovered a conflict between the IGA, the Manual and Budget Law. While the IGA establishes the fiscal year for NMTF as October 1 to September 30, the Manual specifies that the Commander is responsible for drafting and implementing the budget in accordance with Budget Law. C.R.S.29-1-102 (9) of the Budget Law defines the fiscal year to be the period commencing January 1 and ending December 31. An amendment to the IGA to change the fiscal year of NMTF is necessary in order to resolve this conflict. Each Party to the IGA will need to present the amendment to their respective governing bodies for approval. This agenda memo was written in such a manner that information provided herein can be used to explain the rationale behind the amendment.

Moving forward, NMTF will complete the current fiscal year as scheduled on September 30th. The next budget year for NMTF will cover the period from October 1, 2015 to December 31, 2016. After completion of the transitional "long year", NMTF will operate on a true calendar year commencing on January 1, 2017. In addition, staff believes operating on a calendar year will simplify matching the HIDTA grant year and the budget year for agency contributions.

Respectfully submitted,

Todd Reeves
Task Force Commander

Attachment
Second Amendment

**SECOND AMENDMENT TO THE AGREEMENT AMONG ADAMS COUNTY, CITY AND
COUNTY OF BROOMFIELD, AND THE MUNICIPALITIES OF BRIGHTON, COMMERCE
CITY, FEDERAL HEIGHTS, NORTHGLENN, THORNTON, AND WESTMINSTER TO
ESTABLISH THE NORTH METRO TASK FORCE AS A LEGAL ENTITY**

THIS SECOND AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT creating the North Metro Task Force is made and entered into among ADAMS COUNTY, CITY AND COUNTY OF BROOMFIELD, AND THE MUNICIPALITIES OF BRIGHTON, COMMERCE CITY, FEDERAL HEIGHTS, NORTHGLENN, THORNTON AND WESTMINSTER, herein referred to individually as a "Party" and collectively as the "Parties".

WHEREAS, by intergovernmental agreement by and among the Parties entered into in 2007 ("IGA"), formed the North Metro Task Force ("NMTF") as a separate legal entity and a Governing Board ("Board") was established, comprised of the various Chiefs of Police of the municipalities and the Adams County Sheriff; and

WHEREAS, the IGA authorizes the Board to establish bylaws, policy, approve procedure and oversee operational and administrative matters of concern to the NMTF; and

WHEREAS, consistent with that authority the Board adopted the NMTF Policy and Procedure Manual ("Manual"); and

WHEREAS, Section 7.2 (Fiscal Budget) of the Manual requires the Commander to implement the NMTF budget in accordance with State of Colorado Local Government Budget Law which defines the fiscal budget year for local government as the period commencing January 1 and ending December 31; and

WHEREAS, Section 7.0 (Budget) of the IGA established the fiscal year of the Task Force as beginning on the first day of October and ending on the last day of September each year; and

WHEREAS, in order to resolve this conflict it is necessary to change the fiscal year as defined in the IGA to a fiscal year beginning on the first day of January and ending on the last day of December each year which change to take place for the fiscal budget year beginning January 1, 2017; and

WHEREAS, in order to transition from the fiscal year as previously defined to the newly defined fiscal year it will be necessary to establish the fiscal budget year for the 2015/2016 budget as October 1, 2015 to December 31, 2016.

NOW, THEREFORE, it is mutually agreed by and among each of the Parties as follows:

1. Sections 7.1 and 7.2 of Section 7.0 (Budget) of the IGA shall be amended to read:

7.1 The Host Agency shall prepare a recommended annual budget for the next fiscal year and submit it to the Governing Board for its review and approval no later than August 1st of each year that this Agreement is in effect.

7.2 The fiscal year of the Task Force shall begin on the first day of January and end on the last day of December each year beginning with the fiscal year 2017. The fiscal year for 2015/2016 shall begin on October 1, 2015 and end on December 31, 2016.

2. All other terms and conditions of the IGA shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties hereto have caused their names to be affixed as set forth below and this Second Amendment is effective as of the last date written below.

ADAMS COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS

Chair Date

ATTEST:

Deputy Clerk

APPROVED AS TO FORM:

Adams County Attorney's Office

CITY OF BRIGHTON, COLORADO

Mayor

Date

ATTEST:

City Clerk

APPROVED AS TO FORM:

Brighton City Attorney

CITY AND COUNTY OF BROOMFIELD, COLORADO

Mayor

Date

ATTEST:

City and County Clerk

APPROVED AS TO FORM:

City and County Attorney

CITY OF COMMERCE CITY, COLORADO

Mayor

Date

ATTEST:

City Clerk

APPROVED AS TO FORM:

Commerce City Attorney

CITY OF FEDERAL HEIGHTS, COLORADO

Mayor

Date

ATTEST:

City Clerk

APPROVED AS TO FORM:

Federal Heights City Attorney

CITY OF NORTHGLENN, COLORADO

Mayor

Date

ATTEST:

City Clerk

APPROVED AS TO FORM:

Northglenn City Attorney

CITY OF THORNTON, COLORADO

Mayor

Date

ATTEST:

City Clerk

APPROVED AS TO FORM:

Thornton City Attorney

CITY OF WESTMINSTER, COLORADO

City Manager

Date

ATTEST:

City Clerk

APPROVED AS TO FORM:

Westminster City Attorney's Office