

**PUBLIC WORKS DEPARTMENT  
MEMORANDUM #2010 – 50**

**DATE:** October 14, 2010  
**TO:** Honorable Mayor Joyce Downing and City Council Members  
**FROM:** William A. Simmons, City Manager *WAS*  
David H. Willett, Director of Public Works *DW*  
Joliette Woodson, Transportation Engineer *JW*  
**SUBJECT:** CR – 137, Adams County Collaborative Transportation Planning Agreement,  
(Intergovernmental Agreement)

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**BACKGROUND**

The City Council authorized the City's participation in a transportation planning intergovernmental agreement (IGA) among Adams County and its municipalities in the year 2000. The purpose of this collaborative agreement was to ensure that the jurisdiction of Adams County coordinate their efforts in the pursuit of state and federal funding for transportation improvement projects. Once the IGA was in place, the Adams County Transportation Coordination Committee (Adams Movers Group) was created and has worked to prioritize projects and present these rankings to the Denver Regional Council of Governments (DRCOG) and the Colorado Department of Transportation (CDOT) through the County hearing process. The IGA approved in 2000 expired at the end of 2008. City Council approved the new agreement through CR-105 on July 8, 2010. However, the City of Thornton subsequently requested additional revisions to the IGA, and thus adoption of the revised IGA is necessary.

The new revisions are as follows:

1. Mayors and Commissioners of the participating agencies are referred to as the "Executive Committee" instead of the "MMC."
2. The terms of the agreement have been changed. The previously approved IGA was in effect through December 21, 2028. The Revision is as follows: "The term of the Agreement is through December 31, 2014. Thereafter, it shall be automatically renewed for successive four-year terms. However, any Agency may withdraw from the renewed Agreement by providing written notice of its intent to do so at least (90) days prior to termination. The notice not to renew shall be by formal action of the governing body requesting withdrawal. The Agreement and its renewal shall remain in effect unless terminated by all of the Agencies."

Transportation management issues warrant cooperation and collaboration among the local governments and the agreement reflects an increased emphasis on working together on key issues. However, neither the previous IGA nor the proposed IGA prevents the individual agencies from pursuing funds or approvals for their own projects separate from the group.

**BUDGET/TIME IMPLICATIONS**

There is no direct budget impact for this participation other than staff time as required.

**RECOMMENDATION**

Attached to this memorandum is a Resolution that, if approved, would allow the City to enter into an intergovernmental agreement with the Cities of Arvada, Brighton, Commerce City, Federal Heights, Thornton and Westminster, the Town of Bennett, and Adams County. Staff recommends approval of this resolution.

**STAFF REFERENCE**

David H. Willett, P.E., Director of Public Works  
Joliette Woodson, P.E., Transportation Engineer

[dwillett@northglenn.org](mailto:dwillett@northglenn.org) or 303.450.8783  
[jwoodson@northglenn.org](mailto:jwoodson@northglenn.org) or 303.450.8835

SPONSORED BY: MAYOR DOWNING

COUNCILMAN'S RESOLUTION

RESOLUTION NO.

No. CR-137  
Series of 2010

\_\_\_\_\_  
Series of 2010

A RESOLUTION APPROVING THE ADAMS COUNTY COLLABORATIVE TRANSPORTATION PLANNING AGREEMENT, AS REVISED, BETWEEN THE CITY OF NORTHGLENN AND ADAMS COUNTY, THE CITIES OF ARVADA, BRIGHTON, COMMERCE CITY, FEDERAL HEIGHTS, THORNTON AND WESTMINSTER, AND THE TOWN OF BENNET

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. The Adams County Collaborative Transportation Planning Agreement, as revised, between the City of Northglenn, and Adams County, the Cities of Arvada, Brighton, Commerce City, Federal Heights, Thornton and Westminster, and the Town of Bennett, attached hereto as **Exhibit 1**, is hereby approved and the Mayor is authorized to execute same on behalf of the City.

Section 2. Resolution No. 10-101, Series of 2010, is hereby repealed.

DATED at Northglenn, Colorado, this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
JOYCE DOWNING  
Mayor

ATTEST:

\_\_\_\_\_  
JOHANNA SMALL, CMC  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
COREY Y. HOFFMANN  
City Attorney

**ADAMS COUNTY  
COLLABORATIVE TRANSPORTATION PLANNING  
AGREEMENT**

INTERGOVERNMENTAL AGREEMENT  
AMONG  
THE CITY OF ARVADA  
THE TOWN OF BENNETT  
THE CITY OF BRIGHTON  
THE CITY OF COMMERCE CITY  
THE CITY OF FEDERAL HEIGHTS  
THE CITY OF NORTHGLENN  
THE CITY OF THORNTON  
THE CITY OF WESTMINSTER  
AND  
ADAMS COUNTY

THIS AGREEMENT is entered into effective as of the \_\_\_\_\_ day of \_\_\_\_\_, 2010, by and among Adams County, the City of Arvada, the Town of Bennett, the City of Brighton, the City of Commerce City, the City of Federal Heights, the City of Northglenn, the City of Thornton, and the City of Westminster, all of said parties being referred to collectively herein as the "Agencies."

WITNESSETH

WHEREAS, the Agencies are authorized by the provisions of Colo. Const. art. XIV, § 18(2)(a) and §§ 29-1-201, et. seq., C.R.S., to enter into contracts with each other for the performance of functions that they are authorized by law to perform on their own; and

WHEREAS, the coordinated efforts of all Adams County communities is necessary to implement the Adams County Transportation Plan, and to ensure an adequate transportation infrastructure to meet the needs of Adams County residents currently and for years to come; and

WHEREAS, the Agencies have a mutual interest in the coordination of current and future transportation planning within Adams County; and

WHEREAS, Adams County communities will benefit from the collective planning efforts of the Agencies working together to implement a transportation system to ensure the efficient movement of people and goods; and

WHEREAS, the Agencies wish to set forth their understanding of how the transportation planning efforts in Adams County will be coordinated for purposes of submitting project funding requests to the Colorado Department of Transportation

("CDOT") and the Denver Regional Council of Governments ("DRCOG") for consideration in the Transportation Improvement Plan ("TIP").

NOW, THEREFORE, THE AGENCIES AGREE TO COOPERATE AS FOLLOWS:

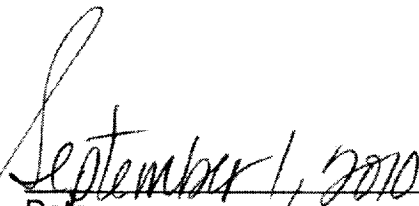
1. State Highway System Projects. The Mayors and Commissioners of the participating Agencies ("Executive Committee") will use good faith efforts to collaborate in identifying priority corridors and in the development of a prioritized countywide list for state highway system transportation projects. These priority corridors and list will be presented to CDOT representing Adams County communities for consideration in the TIP.
2. Federal/State/Local Match Transportation Projects. The Executive Committee will review and coordinate transportation projects submitted to DRCOG, which require federal, state and/or local matching funds for consideration in the TIP, prior to submittal of each Agency's project request to DRCOG. Project submittals will focus primarily on road and bridge projects, but may also include transit, bike and pedestrian projects, and Transportation Demand Management "(TDM)" projects. The purpose of this review is to provide the Executive Committee an opportunity to coordinate and collaborate on multi-modal transportation project submittals and provide multi-jurisdictional support on projects.
3. Coordination Support. The Adams County Transportation Coordination Committee ("Adams Movers Group"), which consists of staff representatives from each Agency, will assemble the project information and may utilize the Adams County Ranking Criteria and/or the DRCOG Project Ranking Criteria to initially rank the projects submitted by the Agencies for State Highway System funding. This ranking will be presented to the Mayors and Commissioners for their consideration.
4. Planning Timeline. The review and prioritization of transportation projects will coincide with the bi-annual DRCOG TIP planning process timeline and the CDOT/Transportation Commission planning timeline.
5. Benefits Inure to Agencies Only. It is expressly understood and agreed that the enforcement of terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to the undersigned parties and nothing in this Agreement shall give or allow any claim or right of action whatsoever by any other person not included in this Agreement. It is the express intention of this Agreement that any entity, other than the Agencies that are parties to this Agreement, that receives services or benefits as a result of this Agreement shall be an incidental beneficiary only.
6. Government Immunity. No portion of this Agreement shall be deemed to constitute a waiver of any immunities the Agencies or their officers or employees may possess, nor shall any portion of this Agreement be deemed to have created a duty of care which did not previously exist with respect to any person not a party to this Agreement.

7. Term. The term of the Agreement is through December 31, 2014. Thereafter, it shall be automatically renewed for successive four-year terms. However, any Agency may withdraw from the renewed Agreement by providing written notice of its intent to do so at least (90) days prior to termination. The notice not to renew shall be by formal action of the governing body requesting withdrawal. The Agreement and its renewal shall remain in effect unless terminated by all of the Agencies.

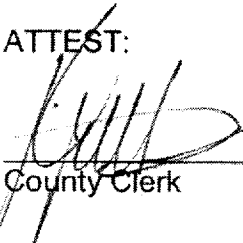
By signing this Agreement, the Agencies acknowledge and represent to one another that all procedures necessary to validly contract and execute this Agreement have been performed, and that the persons signing for each Agency have been duly authorized by such Agency to do so.

**ADAMS COUNTY  
BOARD OF COUNTY COMMISSIONERS**

  
\_\_\_\_\_  
Alice J. Nichol, Chairman

  
\_\_\_\_\_  
Date

ATTEST:

  
\_\_\_\_\_  
County Clerk



APPROVED AS TO FORM:

  
\_\_\_\_\_  
County Attorney's Office

**CITY OF ARVADA**

\_\_\_\_\_  
( ), Mayor

\_\_\_\_\_  
Date

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney's Office

**TOWN OF BENNETT**

\_\_\_\_\_  
( ), Mayor

\_\_\_\_\_  
Date

ATTEST:

\_\_\_\_\_  
Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Town Attorney's Office

**CITY OF BRIGHTON**

\_\_\_\_\_  
(            ), Mayor

\_\_\_\_\_  
Date

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney's Office

**CITY OF COMMERCE CITY**

\_\_\_\_\_  
(            ), Mayor

\_\_\_\_\_  
Date

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney's Office

**CITY OF FEDERAL HEIGHTS**

\_\_\_\_\_  
(            ), Mayor

\_\_\_\_\_  
Date

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney's Office

**CITY OF NORTHGLENN**

\_\_\_\_\_  
(            ), Mayor

\_\_\_\_\_  
Date

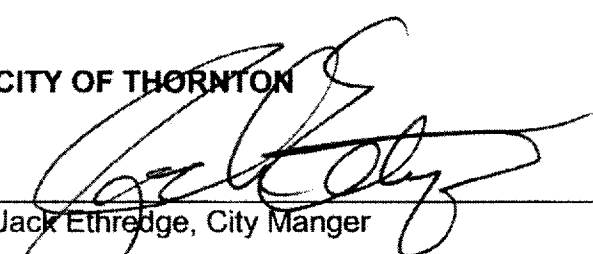
ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney's Office

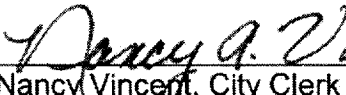
**CITY OF THORNTON**

  
\_\_\_\_\_  
Jack Ethredge, City Manger

\_\_\_\_\_  
Date

ATTEST:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Nancy Vincent, City Clerk

  
\_\_\_\_\_  
Margaret Emerich, City Attorney

**CITY OF WESTMINSTER**

\_\_\_\_\_  
(            ), Mayor

\_\_\_\_\_  
Date

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney's Office



**ADAMS COUNTY  
COLLABORATIVE TRANSPORTATION PLANNING  
AGREEMENT**

**INTERGOVERNMENTAL AGREEMENT**

**AMONG**

**THE CITY OF ARVADA  
THE TOWN OF BENNETT  
THE CITY OF BRIGHTON  
THE CITY OF COMMERCE CITY  
THE CITY OF FEDERAL HEIGHTS  
THE CITY OF NORTHGLENN  
THE CITY OF THORNTON  
THE CITY OF WESTMINSTER  
AND  
ADAMS COUNTY**

**THIS AGREEMENT is entered into effective as of the \_\_\_\_ day of \_\_\_\_\_, 2010, by and among Adams County, the City of Arvada, the Town of Bennett, the City of Brighton, the City of Commerce City, the City of Federal Heights, the City of Northglenn, the City of Thornton, and the City of Westminster, all of said parties being referred to collectively herein as the "Agencies."**

**WITNESSETH**

**WHEREAS, the Agencies are authorized by the provisions of Colo. Const. art. XIV, § 18(2)(a) and §§ 29-1-201, et. seq., C.R.S., to enter into contracts with each other for the performance of functions that they are authorized by law to perform on their own; and**

**WHEREAS, the coordinated efforts of all Adams County communities is necessary to implement the Adams County Transportation Plan, and to ensure an adequate transportation infrastructure to meet the needs of Adams County residents currently and for years to come; and**

**WHEREAS, the Agencies have a mutual interest in the coordination of current and future transportation planning within Adams County; and**

**WHEREAS, Adams County communities will benefit from the collective planning efforts of the Agencies working together to implement a transportation system to ensure the efficient movement of people and goods; and**

**WHEREAS, the Agencies wish to set forth their understanding of how the transportation planning efforts in Adams County will be coordinated for purposes of submitting project funding requests to the Colorado Department of Transportation ("CDOT") and the Denver Regional Council of Governments ("DRCOG") for consideration in the Transportation Improvement Plan ("TIP").**

**NOW, THEREFORE, THE AGENCIES AGREE TO COOPERATE AS FOLLOWS:**

1. **State Highway System Projects.** The Mayors, Managers and Commissioners (MMC) of the participating Agencies will use good faith efforts to collaborate in identifying priority corridors and in the development of a prioritized countywide list for state highway system transportation projects. These priority corridors and list will be presented to CDOT representing Adams County communities for consideration in the TIP.
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5. **Benefits Inure to Agencies Only.** It is expressly understood and agreed that the enforcement of terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to the undersigned parties and nothing in this Agreement shall give or allow any claim or right of action whatsoever by any other person not included in this Agreement. It is the express intention of this Agreement that any entity, other than the Agencies that are parties to this Agreement, that receives services or benefits as a result of this Agreement shall be an incidental beneficiary only.
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7. **Term.** The term of the Agreement is through December 31, 2028.

By signing this Agreement, the Agencies acknowledge and represent to one another that all procedures necessary to validly contract and execute this Agreement have been performed, and that the persons signing for each Agency have been duly authorized by such Agency to do so.

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**ADAMS COUNTY  
BOARD OF COUNTY COMMISSIONERS**

\_\_\_\_\_  
Alice J. Nichol, Chairman

ATTEST:

\_\_\_\_\_  
County Clerk

\_\_\_\_\_  
Date

APPROVED AS TO FORM:

\_\_\_\_\_  
County Attorney's Office

**CITY OF ARVADA**

\_\_\_\_\_  
( ), Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Date

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney's Office

**TOWN OF BENNETT**

\_\_\_\_\_  
( ), Mayor

ATTEST:

\_\_\_\_\_  
Date

APPROVED AS TO FORM:

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Town Clerk

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Town Attorney's Office

**CITY OF BRIGHTON**

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( ), Mayor

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Date

ATTEST:

APPROVED AS TO FORM:

---

City Clerk

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City Attorney's Office

**CITY OF COMMERCE CITY**

---

( ), Mayor

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Date

ATTEST:

APPROVED AS TO FORM:

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City Clerk

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City Attorney's Office

**CITY OF FEDERAL HEIGHTS**

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( ), Mayor

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Date

ATTEST:

APPROVED AS TO FORM:

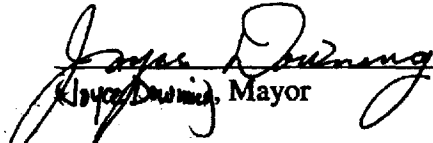
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City Clerk

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City Attorney's Office

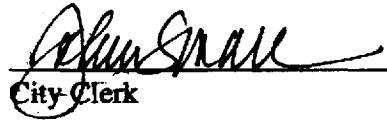
**CITY OF NORTHGLENN**

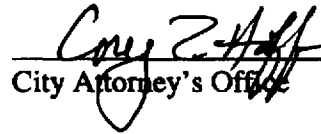
  
\_\_\_\_\_  
Joyce Downing, Mayor

July 8, 2010  
\_\_\_\_\_  
Date

ATTEST:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Clerk

  
\_\_\_\_\_  
City Attorney's Office

**CITY OF THORNTON**

\_\_\_\_\_  
( ), Mayor

\_\_\_\_\_  
Date

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney's Office

**CITY OF WESTMINSTER**

\_\_\_\_\_  
( ), Mayor

\_\_\_\_\_  
Date

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney's Office

SPONSORED BY: MAYOR DOWNING

COUNCILMAN'S RESOLUTION

RESOLUTION NO.

No. CR-105  
Series of 2010

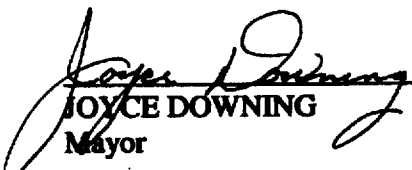
10-101  
Series of 2010

A RESOLUTION APPROVING THE INTERGOVERNMENTAL AGREEMENT BETWEEN ADAMS COUNTY AND THE CITIES OF ARVADA, BENNETT, BRIGHTON, COMMERCE CITY, FEDERAL HEIGHTS, NORTHGLENN, THORNTON AND WESTMINSTER FOR THE COORDINATION OF TRANSPORTATION PLANNING EFFORTS

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. The Intergovernmental Agreement between Adams County and the Cities of Arvada, Bennett, Brighton, Commerce City, Federal Heights, Northglenn, Thornton and Westminster for the coordination of transportation planning efforts, attached hereto as **Exhibit 1**, is hereby approved and the Mayor is authorized to execute same on behalf of the City.

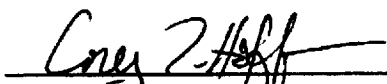
DATED at Northglenn, Colorado, this 8<sup>th</sup> day of July, 2010.

  
JOYCE DOWNING  
Mayor

ATTEST:

  
JOHANNA SMALL, CMC  
City Clerk

APPROVED AS TO FORM:

  
COREY V. HOFFMANN  
City Attorney