

**TOWN OF PALMER LAKE
COUNTY OF EL PASO
COLORADO**

Resolution No. 5 of 2018

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE, COLORADO, APPROVING THE SECOND AMENDED AND RESTATED INTERGOVERNMENTAL AGREEMENT CONCERNING THE EL PASO - TELLER COUNTY EMERGENCY TELEPHONE SERVICE AUTHORITY

WHEREAS, PALMER LAKE IS A STATUTORY TOWN ORGANIZED UNDER PART 3 OF ARTICLE 4 OF TITLE 31 OF THE COLORADO REVISED STATUTES; AND

WHEREAS, PURSUANT TO ARTICLE 11 OF TITLE 29, COLORADO REVISED STATUTES (THE "EMERGENCY TELEPHONE SERVICE LAW"), THE TOWN HAS THE POWER TO ENTER INTO AGREEMENTS FOR THE PURPOSE OF PROVIDING EMERGENCY TELEPHONE AND NOTIFICATION SERVICES, AND IMPOSING AN EMERGENCY TELEPHONE CHARGE FOR SUCH SERVICES; AND

WHEREAS, THE EMERGENCY TELEPHONE SERVICE LAW AUTHORIZES SUCH LEGAL ENTITIES TO UNDERTAKE VARIOUS ACTIONS IN CONNECTION WITH PROVIDING SUCH SERVICES, INCLUDING THE RIGHT TO IMPOSE AN EMERGENCY TELEPHONE CHARGE ON EACH EXCHANGE ACCESS, WIRELESS COMMUNICATIONS ACCESS, AND INTERCONNECTED VOICE-OVER-INTERNET-PROTOCOL COMMUNICATIONS ACCESS WITHIN ITS SERVICE AREA; AND

WHEREAS, PART 2 OF ARTICLE 1 OF TITLE 29, COLORADO REVISED STATUTES (THE "INTERGOVERNMENTAL RELATIONS LAW"), AS AMENDED, ENCOURAGES AND AUTHORIZES GOVERNMENTAL ENTITIES TO ENTER INTO INTERGOVERNMENTAL AGREEMENTS OF THIS NATURE, AND SECTION 29-1-203.5, C.R.S. AUTHORIZES THE ESTABLISHMENT OF A LEGAL ENTITY THAT IS A SEPARATE POLITICAL SUBDIVISION AND PUBLIC CORPORATION TO CARRY OUT THE PURPOSES OF THE INTERGOVERNMENTAL RELATIONS LAW AND THE EMERGENCY TELEPHONE SERVICE LAW; AND

WHEREAS, IN 1989, THE TOWN AND MULTIPLE GOVERNMENTAL ENTITIES ENTERED INTO AN INTERGOVERNMENTAL AGREEMENT (THE "1989 IGA") TO IMPLEMENT THE PROVISIONS OF THE EMERGENCY TELEPHONE SERVICE LAW BY ESTABLISHING THE EL PASO - TELLER COUNTY EMERGENCY TELEPHONE SERVICE AUTHORITY (THE "AUTHORITY"); AND

WHEREAS, IN 2000, THE 1989 IGA WAS AMENDED AND RESTATED PURSUANT TO THE FIRST RESTATED IGA; AND

WHEREAS, IN 2002, THE FIRST RESTATED IGA WAS APPROVED TO CLARIFY THE 911 AUTHORITY'S POWER REGARDING PROPERTY, TO FACILITATE FINANCING AND CONSTRUCTION OF THE 911 AUTHORITY BUILDING ON AIRPORT ROAD; AND

WHEREAS, THE PURPOSE OF THE AUTHORITY UPON ORGANIZATION WAS, AND STILL REMAINS, TO IMPOSE THE EMERGENCY TELEPHONE SERVICE CHARGE, TO INCUR COSTS ASSOCIATED WITH OPERATION OF THE EMERGENCY TELEPHONE SERVICE AND EMERGENCY NOTIFICATION SERVICE, AND TO ADMINISTER THE OPERATION OF THE EMERGENCY TELEPHONE AND EMERGENCY NOTIFICATION SERVICES; AND

WHEREAS, SECTION VIII OF THE FIRST RESTATED IGA PROVIDES THAT IT MAY BE AMENDED BY A WRITING EXECUTED BY AT LEAST THREE-FOURTHS (3/4) OF THE PARTIES TO THE FIRST RESTATED IGA; AND

WHEREAS, THE TOWN AND THE PARTIES HAVE DETERMINED THAT IT IS APPROPRIATE AND NECESSARY TO AMEND AND RESTATE THE FIRST RESTATED IGA IN ITS ENTIRETY TO PROPERLY REFLECT CHANGES IN THE LAW AND TO MAKE CHANGES IN THE ORGANIZATION, ADMINISTRATION AND OPERATION OF THE AUTHORITY; AND

WHEREAS, THE TOWN DESIRES TO ENTER INTO THE SECOND RESTATED IGA AS ATTACHED HERETO AS EXHIBIT A ("RESTATED IGA") FOR THE FOLLOWING PURPOSES:

1) TO CONTINUE THE EXISTENCE OF THE AUTHORITY AS A SEPARATE POLITICAL SUBDIVISION AND PUBLIC CORPORATION ORGANIZED PURSUANT TO SECTION 29-1-203.5, C.R.S. AS THE LEGAL ENTITY RESPONSIBLE FOR CARRYING OUT THE PURPOSES OF THE EMERGENCY TELEPHONE SERVICE LAW AND ADMINISTERING AND OPERATING THE EMERGENCY TELEPHONE AND NOTIFICATION SYSTEMS WITHIN THE PARTIES' SERVICE AREA; AND

2) TO DEFINE THE MANNER IN WHICH EACH OF THE PARTIES WILL PARTICIPATE IN THE AUTHORITY.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE, EL PASO COUNTY, COLORADO, AS FOLLOWS:

Section 1. The Town Board of Trustees approves the Restated IGA and authorizes the Mayor to execute the same on behalf of the Town in substantially the form attached hereto and grants the Town Administrator and Town Attorney the authority to make such non-substantial changes as may be necessary and which do not substantially increase the obligations of the Town.

Section 2. This Resolution shall be effective upon its adoption

PASSED AND RESOLVED on this 25th day of January, 2018 by the Board of Trustees of the Town of Palmer Lake by a vote of 7 for and 0 against.

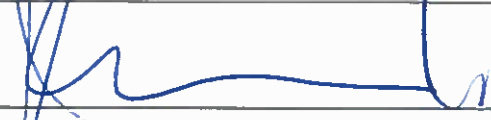

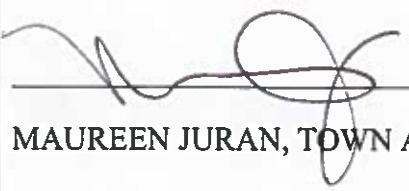
 _____ JOHN CRESSMAN, MAYOR ATTEST:  _____ CATHY GREEN, ACTING TOWN CLERK	Approved as to Form:  _____ MAUREEN JURAN, TOWN ATTORNEY
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Exhibit A
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