



Council may take formal action on any item appearing on this Agenda. However, formal action WILL NOT be taken at this meeting on any item of business first identified during the course of the meeting as a change to the Agenda, other business, or Citizen, Councilmember and Staff Comments.

A G E N D A

**Delta Urban Renewal Authority
Regular Meeting**

**October 18, 2016
5:30 p.m.**

DURA Agenda items:

- 1. Resolution #1, 2016; Designation of Staff and Legal Counsel**
- 2. Resolution #2, 2016; DURA Bylaws**
- 3. Resolution #3, 2016; Intergovernmental Agreement with the City of Delta**
- 4. Resolution #4, 2016; Commencing Condition Study, Preparation of Urban Renewal Plan and Outreach to Other Taxing Bodies**
- 5. Resolution #5, 2016; Status of 1986 Urban Renewal Plan**

DELTA URBAN RENEWAL AUTHORITY

RESOLUTION # 1, 2016

**A RESOLUTION OF THE DELTA URBAN RENEWAL AUTHORITY
DESIGNATING STAFF AND LEGAL COUNSEL**

WHEREAS, by Resolution # 14, 1985, on August 13, 1985, the City Council of the City of Delta (the “City”) established the Delta Urban Renewal Authority (the “Authority”); and

WHEREAS, the Authority is authorized by Part 1 of Article 25 of Title 31, Colorado Revised Statutes (the “Urban Renewal Law”), to designate staff and legal counsel for the Authority; and

WHEREAS, the Commissioners of the Authority desire to designate the City Manager as Executive Director of the Authority, the City Director of Community Development as the Deputy Executive Director of the Authority, the City Finance Director as the Treasurer of the Authority and the City Clerk as the Secretary of the Authority; and

WHEREAS, in August 2016, the City hired Brownstein Hyatt Farber Schreck, LLP to act as special counsel to the City to assist with investigating whether and what actions are necessary to authorize the Authority to act, and once resolved, to provide general legal representation to the Authority. Legal counsel has confirmed that the Authority remains in existence and may undertake activities pursuant to the Urban Renewal Law and, thus, it is now appropriate to transition the legal representation by Brownstein Hyatt Farber Schreck, LLP to the Authority.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS OF THE DELTA URBAN RENEWAL AUTHORITY:

Section 1. The foregoing recitals are incorporated herein by this reference.

Section 2. The Authority hereby designates the City Manager as Executive Director of the Authority.

Section 3. The Authority hereby designates the City’s Director of Community Development as the Deputy Director of the Authority.

Section 4. The Authority hereby designates the City’s Finance Director as the Treasurer of the Authority.

Section 5. The Authority hereby designates the City Clerk as the Secretary of the Authority.

Section 6. The Authority hereby designates Brownstein Hyatt Farber Schreck, LLP as legal counsel for the Authority. On behalf of the Authority, the Executive Director of the

Authority is hereby authorized and directed to sign a transfer of the Fee Agreement for Representation, previously executed by the City.

Section 7. This Resolution shall be effective upon approval of the Authority.

Adopted this 18th day of October, 2016.

Delta Urban Renewal Authority

By: _____
Edward C. Sisson, Chairman

Approved as to form:

By: _____
Caitlin S. Quander, Authority Counsel

DELTA URBAN RENEWAL AUTHORITY

RESOLUTION # 2, 2016

**A RESOLUTION OF THE DELTA URBAN RENEWAL AUTHORITY APPROVING
BYLAWS**

WHEREAS, by Resolution # 14, 1985, on August 13, 1985, the Delta City Council (the "City Council"), and the filing of that certain Certificate of Commissioners signed by each of the five (5) commissioners (collectively, the "Commissioners") of the Delta Urban Renewal Authority (the "Authority") and filed with the Division of Local Government of the Colorado Department of Local Affairs, the City Council established the Authority; and

WHEREAS, the Authority is authorized by C.R.S. § 31-25-105(1)(a) to make and adopt bylaws, orders, rules, and regulations to effectuate the purposes of Part 1 of Article 25 of Title 31, Colorado Revised Statutes (the "Urban Renewal Law"); and

WHEREAS, the Authority has reviewed its historic files and has not identified any previously adopted bylaws, orders, rules or regulations of the Authority; and

WHEREAS, in order to allow for the efficient and orderly operations and conduct of the Authority, the Commissioners have considered the adoption of bylaws; and

WHEREAS, the Commissioners have determined that it is in the best interests of the Authority that the bylaws, attached hereto and incorporated herein as **Exhibit A** (the "Bylaws"), be adopted.

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS OF THE DELTA
URBAN RENEWAL AUTHORITY:**

- Section 1. The foregoing recitals are incorporated herein by this reference.
- Section 2. The attached Bylaws are hereby adopted.
- Section 3. If it is discovered that previously adopted bylaws of the Authority exist, the Authority intends for this Resolution to nullify any prior bylaws and replace them with the attached Bylaws.
- Section 4. This Resolution shall be effective upon approval of the Authority.

Adopted this 18th day of October, 2016.

Delta Urban Renewal Authority

By: _____
Edward C. Sisson, Chairman

Approved as to form:

By: _____
Caitlin S. Quander, Authority Counsel

EXHIBIT A
BYLAWS

**BYLAWS
OF
DELTA URBAN RENEWAL AUTHORITY**

ARTICLE I – THE AUTHORITY

Section 1. Name of Authority. The name of this urban renewal authority shall be the “Delta Urban Renewal Authority”, which authority was established by Resolution #14, 1985, on August 13, 1985, by the City Council of the City of Delta (the “City Council”). The Delta Urban Renewal Authority shall be referred to in these Bylaws as the “Authority.”

Section 2. Office of Authority. The office of the Authority shall be 360 Main Street, Delta, CO 81416, or at such other place in the City of Delta (the “City”), Colorado as the Authority may direct.

Section 3. Authority to Enact Bylaws. The Authority is authorized by C.R.S. § 31-25-105(1)(a) to make and adopt bylaws, orders, rules, and regulations to effectuate the purposes of Part 1 of Article 25 of Title 31, Colorado Revised Statutes (the “Urban Renewal Law”).

ARTICLE II – OFFICERS

Section 1. Commissioners. In accordance with C.R.S. § 31-25-115(1), and pursuant to Resolution #14, 1985, the City Council, comprised of five (5) members, including the Mayor of the City, designated itself to serve as the Authority, and the City Council continues to serve as the Authority and may take any actions necessary or permitted by Urban Renewal Law

Per C.R.S. § 31-25-104(2.5), prior to the modification of an existing urban renewal plan or adoption by the City of a new urban renewal plan, the Authority Board of Commissioners (the “Commissioners”) shall consist of:

- (a) Five Commissioners who are the elected members of the City Council, including the Mayor of the City, the numbers and terms of which shall coincide with the terms of office for the City Council;
- (b) A Commissioner appointed by the Delta County Board of County Commissioners, whose term of office as a Commissioner shall be as established by the Delta County Board of County Commissioners;
- (c) A Commissioner who is a board member of a special district selected by agreement of the special districts levying a mill levy within the boundaries of the Authority area, whose term of office as a Commissioner shall be as established by the agreement of the special districts;
- (d) A Commissioner who is an elected member of the Delta County School District 50J board of education, the school district levying a mill levy within the boundaries of the Authority area, appointed by the Delta County School District 50J, whose term of office as a Commissioner shall be as established by the Delta County School District 50J; and

- (e) If the number of Commissioners pursuant to section (a) – (d) above causes the Authority to have an even number of Commissioners, the Mayor shall appoint an additional Commissioner to restore an odd number of Commissioners to the Authority, whose term of office as a Commissioner shall be for five (5) years.

Section 2. Compensation. No Commissioner shall receive compensation for his or her services, but shall be entitled to necessary expenses, including travel expenses, incurred in the discharge of his or duties as a commissioner pursuant to C.R.S. § 31-25-104(2)(b).

Section 3. Officers. The officers of the Authority shall be a Chairperson, Vice Chairperson, Secretary and Executive Director. The Mayor of the City shall serve as the *ex officio* Chairperson of the Authority. The Mayor Pro-Tem of the City shall serve as the *ex officio* Vice Chairperson of the Authority. The City Manager of the City shall serve as the *ex officio* Executive Director of the Authority. The City's Director of Community Development as the *ex officio* Deputy Director of the Authority. The Finance Director of the City shall serve as the *ex officio* Treasurer of the Authority. The City Clerk of the City shall serve as the *ex officio* Secretary of the Authority.

Section 4. Chairperson. The Chairperson shall preside at all meetings of the Authority. Except as otherwise authorized by resolution of the Authority, the Chairperson shall sign all agreements, contracts, deeds, and other instruments made by the Authority.

Section 5. Vice Chairperson. The Vice Chairperson shall perform the duties of the Chairperson in the absence or incapacity of the Chairperson and in case of the resignation or the death of the Chairperson, the Vice-Chairperson shall perform such duties as are imposed on the Chairperson until such time as the Chairperson is replaced.

Section 6. Temporary Chairperson. In the absence of both the Chairperson and Vice Chairperson, the Commissioners may appoint an acting chairperson to preside at any meeting of the Authority.

Section 7. Executive Director. The Executive Director of the Authority shall oversee the day-to-day operations of the Authority, including the administration of the Authority's business and affairs and shall be authorized to sign agreements, contracts, deeds, conveyances, and checks for the payment of money and other documents made by the Authority on behalf of the Authority subject to the discretion of the Authority. The Executive Director shall serve as an advisor to the Authority and may serve on committees or in other capacities consistent with the Urban Renewal Law as the Commissioners may determine; provided, however, that the Executive Director shall not be considered a Commissioner of the Authority within the meaning of the Urban Renewal Law, any other applicable law, or these Bylaws, and shall not be permitted or required to act in the capacity of a Commissioner at any time.

Section 8. Deputy Executive Director. The Deputy Executive Director shall perform the duties of the Executive Director in the absence or incapacity of the Executive Director and in case of the resignation or the death of the Executive Director, the Deputy Executive Director

shall perform such duties as are imposed on the Executive Director until such time as the Executive Director is replaced.

Section 9. Treasurer. The Treasurer shall have the care and custody of all funds of the Authority and shall deposit the same in the name of the Authority in such bank or banks as the Authority may select. The Treasurer shall sign all orders and or checks for the payment of money and shall pay out and disburse such moneys under the discretion and direction of the Authority. Except as otherwise authorized by resolution of the Authority, all such orders and checks shall be countersigned by the Executive Director. The Treasurer shall keep regular books of accounts showing receipts and expenditures and shall render to the Authority, as requested, an account of the transactions and also of the financial condition of the Authority. The Treasurer shall prepare and submit the Authority's annual budget pursuant to the Local Government Budget Law of Colorado at Part 1 of Article 1 of Title 29, Colorado Revised Statutes. The Treasurer shall give such bond for the faithful performance of her/his duties as the Authority may designate.

Section 10. Secretary. The Secretary shall keep the records of the Authority, shall act as secretary at the meetings of the Authority and record all votes, keep a record of the proceedings of the Authority and perform all duties incident to this office. The Secretary shall keep in a safe custody all Resolutions, contracts and instruments entered into by the Authority.

Section 11. Legal Counsel for the Authority. The Authority may employ an attorney or attorneys licensed to practice in the state of Colorado to provide legal counsel to the Authority and the Executive Director on issues relating to the Urban Renewal Law and other general and special legal matters of interest to the Authority.

Section 12. Additional Personnel. The Authority may from time to time employ such personnel as it deems necessary to exercise its powers, duties and functions as prescribed by the Urban Renewal Law, and all other laws of the State of Colorado and the City.

ARTICLE III – MEETINGS

Section 1. Meetings. Meetings of the Authority shall be held at such times and places as may be called by the Chairperson of the Authority when he or she deems it necessary or upon the written request of three commissioners of the Authority to the Executive Director. The notice for the meeting shall be twenty-four (24) hours written notice to each Commissioner, served personally or left at his/her usual place of residence or place of business, but a meeting may be held on shorter notice if all Commissioners are present or have waived notice thereof in writing. At a meeting, no business shall be considered other than as designated in the notice, but if all of the Commissioners of the Authority are present at a special meeting, any business which may lawfully come before the Authority may be transacted. Provided that reasonable efforts are made to contact a Commissioner as provided in this Section 1, failure of a Commissioner to receive notice shall not invalidate any meeting. Notice must be posted prior to such meetings as required by the Colorado Open Meetings Law, Part 4 of Article 6 of Title 24, Colorado Revised Statutes.

Section 2. Quorum. A majority of the Commissioners (excluding any vacancies) shall constitute a quorum for the purpose of conducting its business and exercising its powers and for all other purposes, but a smaller number may adjourn from time to time until a quorum is obtained.

Section 3. Order of Business. The order of business for meetings of the Authority shall be determined by the Authority, although the following order shall typically be used as a guide for the Authority's order of business:

1. Call to Order
2. Roll Call
3. Consideration of minutes of the previous meeting
4. Consideration of Resolutions
 - a. Public hearings
 - b. General business
5. Other business
6. Adjournment

All actions taken by the Authority shall be recorded in the official minutes of proceedings of the Authority. An opportunity for general public comment on matters not listed on the agenda may, at the discretion of the Chairperson, be provided to persons in attendance at any meeting of the Authority.

Section 4. Manner of Voting. The voting on all questions before the Authority shall be by voice or by show of hands unless a roll call vote is requested by any Commissioner of the Authority or required by law. The yes votes, no votes and abstentions shall be entered in the minutes of each meeting. Every Commissioner of the Authority, when present, must vote unless excused from voting on matters involving the consideration of his or her own official conduct or when his or her personal or financial interest is involved. Any Commissioner of the Authority must state at the time of abstention the reason for abstention.

ARTICLE IV – CONFLICT OF INTEREST

The conflict of interest provision of the Urban Renewal Law found at C.R.S. § 31-25-104, as amended, applies to the Authority and is restated here as follows:

No Commissioner, other officer, or employee of the Authority nor any immediate member of the family of any such Commissioner, officer, or employee shall acquire any interest, direct or indirect, in any project or in any property included or planned to be included in any project, nor shall he or she have any interest, direct or indirect, in any contract or proposed contract for materials or services to be furnished or used in connection with any project. If any Commissioner, other officer, or employee of the Authority owns or controls an interest, direct or indirect, in any property included or planned to be included in any project, he or she shall immediately disclose the same in writing to the Authority, and such disclosure shall be entered upon the minutes of the Authority. Upon such disclosure, such Commissioner, officer, or other employee shall not participate in any action by the Authority affecting the carrying out of the

project planning or the undertaking of the project unless the Authority determines that, in the light of such personal interest, the participation of such Commissioner in any such act would not be contrary to the public interest. Acquisition or retention of any such interest without such determination by the Authority that it is not contrary to the public interest or willful failure to disclose any such interest constitutes misconduct in office.

ARTICLE V – POWERS

Section 1. General Powers. The Authority shall have all of the general powers of such an authority granted to it under the Urban Renewal Law.

Section 2. Acquisition of Real Estate. The Authority may expend monies for the acquisition of real estate, or interests therein, and utilize the laws of eminent domain for such acquisition purposes; provided however, such acquisition of real estate shall be for the purpose of effecting a redevelopment project or urban renewal project specifically approved by the Commissioners.

ARTICLE VI – GIFTS

The Colorado Gift Law found at C.R.S. § 24-18-104, as amended, applies to the Authority and is restated here as follows:

Proof beyond a reasonable doubt of commission of any act enumerated in this section is proof that the actor has breached his fiduciary duty and the public trust. A public officer, a member of the general assembly, a local government official, or an employee shall not: [...] Accept a gift of substantial value or a substantial economic benefit tantamount to a gift of substantial value:

- (I) Which would tend improperly to influence a reasonable person in his position to depart from the faithful and impartial discharge of his public duties; or
- (II) Which he knows or which a reasonable person in his position should know under the circumstances is primarily for the purpose of rewarding him for official action he has taken.

Definitions. As used in Article VI – GIFTS of these Bylaws, the definitions are as found at C.R.S. § 24-18-104, as amended.

ARTICLE VII - AMENDMENTS

These Bylaws may be amended only by an affirmative vote of two-thirds of the membership of the Commissioners at any regularly scheduled or special meeting of the Authority.

[Signatures on following page]

APPROVED AND ADOPTED:

By: _____
Edward C. Sisson, Chairperson

Date: _____

APPROVED AS TO FORM:

By: _____
Caitlin S. Quander, Authority Counsel

DELTA URBAN RENEWAL AUTHORITY

RESOLUTION # 3, 2016

**A RESOLUTION OF THE DELTA URBAN RENEWAL AUTHORITY AUTHORIZING
THE EXECUTION OF THE INTERGOVERNMENTAL AGREEMENT BETWEEN
THE CITY OF DELTA AND THE DELTA URBAN RENEWAL AUTHORITY**

WHEREAS, the Colorado Urban Renewal Law, Part 1 of Article 25 of Title 31 (the “Urban Renewal Law”) provides for urban renewal of slums and blighted areas; and

WHEREAS, the Delta Urban Renewal Authority (the “Authority”) is a duly constituted urban renewal authority, established and operating pursuant to the laws of the State of Colorado, and in particular the provisions of C.R.S. § 31-25-104; and

WHEREAS, the City of Delta (the “City”) is a Colorado home-rule municipal corporation, established and operating pursuant the Article XX of the Colorado Constitution; and

WHEREAS, Colorado law, C.R.S. § 29-1-201 *et seq.*, authorizes and encourages local governments to contract with one another to provide any function, service, or facility, and C.R.S. § 31-25-112, provides that the City may cause funds and administrative or other services to be expended or furnished to the Authority; and

WHEREAS, in order to further the purposes of the Urban Renewal Law, the Authority and the City have negotiated an intergovernmental agreement (the “IGA”) regarding the sharing of City staff and the reimbursement of third party out of pocket costs incurred by the City on behalf of the Authority.

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS OF THE DELTA
URBAN RENEWAL AUTHORITY:**

Section 1. The foregoing recitals are incorporated herein by this reference.

Section 2. The Authority hereby approves the IGA negotiated by the Authority and the City in order to appropriately administer the Authority and effectively accomplish the goals of eliminating blight and preventing injury to the public health, safety, morals, and welfare of the residents of the City.

Section 3. The Executive Director of the Authority is authorized and directed to execute the IGA on behalf of the Authority.

Section 4. This Resolution shall be effective immediately upon its adoption.

Adopted this 18th day of October, 2016.

Delta Urban Renewal Authority

By: _____
Edward C. Sisson, Chairman

Approved as to form:

By: _____
Caitlin S. Quander, Authority Counsel

**INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE CITY OF DELTA
AND
THE DELTA URBAN RENEWAL AUTHORITY**

This Intergovernmental Agreement (this “IGA”) is entered into by and between the CITY OF DELTA, COLORADO, a Colorado home-rule municipal corporation (the “City”), and the DELTA URBAN RENEWAL AUTHORITY, a body corporate and politic (the “Authority”) (individually, a “Party” and collectively, the “Parties”) and shall be effective as of _____, 2016.

WHEREAS, Part 1 of Article 25 of Title 31, Colorado Revised Statutes (the “Urban Renewal Law”) provides for the creation and operation of urban renewal authorities; and

WHEREAS, the Delta Urban Renewal Authority (the “Authority”) is a duly constituted urban renewal authority, established and operating pursuant to Colorado law, in particular the provisions of C.R.S. § 31-25-104; and

WHEREAS, Colorado law, C.R.S. § 29-1-201 *et seq.*, authorizes and encourages local governments to contract with one another to provide any function, service, or facility, and C.R.S. § 31-25-112, provides that the City may cause funds and administrative or other services to be expended or furnished to the Authority.

AGREEMENT

1. **City Staff**. The Authority may, from time to time as the Authority deems necessary, employ or appoint City staff and personnel to exercise the Authority’s powers, duties, and functions authorized by the Urban Renewal Law and all other laws of the State of Colorado. In such instances, City staff and personnel shall exercise and provide such powers, duties, and functions and shall allocate reasonable time to devote to Authority matters.

2. **Legal Counsel**. The City may provide funds for the Authority’s legal counsel in order for the Authority to properly exercise its powers, duties and functions authorized by the Urban Renewal Law and all other laws of the State of Colorado.

3. **City Expenditure of Funds for Undertakings and Activities**. The City may expend funds for the purpose of aiding the Authority in its undertakings and activities, including but not limited to demolition, remediation, rehabilitation or acquisition of buildings or property located within an urban renewal area of the Authority.

4. **Reimbursement to City by Authority**. Upon the approval of a new urban renewal plan by the City, establishment of a reliable and consistent revenue stream for the Authority and upon formal action by the Authority, the Authority shall reimburse the City for its third party out of pocket costs incurred on behalf of the Authority. Such reimbursement shall include but not be limited to the following: (a) any and all costs associated with administration of the Authority incurred by the City, including but not limited to publication of notices and related

administrative costs, but shall not include reimbursement for City staff time, (b) third party consultants, (c) legal counsel pursuant to Section 2 of this IGA, and (d) costs associated with undertakings and activities of the Authority pursuant to Section 3 of this IGA.

5. Reimbursement Obligation Constitutes Indebtedness of the Authority. The reimbursement obligation set forth in this IGA shall constitute indebtedness and an obligation of the Authority pursuant to C.R.S. § 31-25-107(9).

6. TABOR. No provision of this IGA shall be construed or interpreted: (a) to directly or indirectly obligate the City to make any payment in any year in excess of amounts appropriated for such year; (b) as creating a debt or multiple fiscal year direct or indirect debt or other financial obligation whatsoever within the meaning of Article X, Section 6 or Article X, Section 20 of the Colorado Constitution (TABOR) or any other constitutional or statutory limitation or provision; or (c) as a donation or grant by the City in aid of any person, company or corporation under applicable Colorado law.

7. Additional Provisions.

(a) Modification. This IGA may be modified, amended, changed or terminated, in whole or in part, only by an agreement in writing duly authorized by both of the respective governing bodies of each of the Parties. No consent of any third party shall be required for the negotiation and execution of any such agreement.

(b) Waiver. The waiver of a breach of any of the provisions of this IGA by a Party shall not constitute a continuing waiver or a waiver of any subsequent breach by the other Party of any provision of this IGA.

(c) Counterparts. This IGA may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. This IGA may also be executed and delivered by facsimile or portable document format (.pdf) signature and in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

(d) Governing Law. This IGA shall be governed in accordance with the laws of the state of Colorado.

(e) No Third Party Beneficiaries. There are no express or implied third party beneficiaries of this IGA. No third party has any right to enforce this IGA.

(f) Governmental Immunity. The Parties acknowledge that each is a governmental entity and neither waives governmental immunity pursuant to the Colorado Governmental Immunity Act, C.R.S. 24-10-101 *et seq.*

IN WITNESS WHEREOF, the City and the Authority have executed this IGA effective on the date set forth above.

CITY OF DELTA, COLORADO

Edward C.Sisson, Mayor

Date

ATTEST:

City Clerk

Date

APPROVED AS TO FORM:

City Counsel

Date

DELTA URBAN RENEWAL AUTHORITY

David Torgler, Executive Director

Date

ATTEST:

Secretary

Date

APPROVED AS TO FORM:

Counsel to the Authority

Date

DELTA URBAN RENEWAL AUTHORITY

RESOLUTION # 4, 2016

**A RESOLUTION OF THE DELTA URBAN RENEWAL AUTHORITY
COMMISSIONING A STUDY OF CONDITIONS WITHIN CERTAIN AREAS OF THE
CITY OF DELTA AND COMMENCING THE PREPARATION OF AN URBAN
RENEWAL PLAN AND OUTREACH TO OTHER TAXING BODIES**

WHEREAS, the Colorado Urban Renewal Law, Part 1 of Article 25 of Title 31 (the “Urban Renewal Law”) provides for urban renewal of slums and blighted areas; and

WHEREAS, the Delta Urban Renewal Authority (the “Authority”) is a duly constituted urban renewal authority, established and operating pursuant to the laws of the State of Colorado, and in particular the provisions of C.R.S. § 31-25-104; and

WHEREAS, in accordance with the Urban Renewal Law, the Authority is vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Urban Renewal Law; and

WHEREAS, the Authority is authorized by C.R.S. § 31-25-107(1)(b) to commission a study of conditions within the City of Delta (“City”) to determine whether one or more areas within the City constitute a slum, blighted area, or combination thereof in accordance with the Urban Renewal Law; and

WHEREAS, the Authority is authorized by C.R.S. § 31-25-105(1)(i)(II) to commence the preparation of an urban renewal plan based on the study of conditions for submittal to the City Council of the City for review and appropriate action in accordance with the Urban Renewal Law; and

WHEREAS, prior to the City Council of the City approving any urban renewal plan containing any tax allocation provisions that allocates any taxes of any taxing entity other than the City, the Authority is required by C.R.S. § 31-25-107(9.5) to notify and negotiate with the Board of County Commissioners of Delta County and the governing boards of each other taxing entity whose incremental property tax revenues would be allocated under such proposed urban renewal plan.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS OF THE DELTA URBAN RENEWAL AUTHORITY:

Section 1. The foregoing recitals are incorporated herein by this reference.

Section 2. The Authority hereby directs staff, legal counsel and third-party consultants as needed, to commence a study of conditions within the City to determine whether one or more areas within the City constitute a slum, blighted area, or combination thereof in accordance with the Urban Renewal Law, and to undertake all related actions required by the

Urban Renewal Law in accordance therewith, including but not limited to the providing of written notice to property owners as set forth in C.R.S. § 31-25-107(1)(b) of the Urban Renewal Law.

Section 3. The Authority hereby directs staff, legal counsel and third-party consultants as needed, to commence the preparation of an urban renewal plan and related documents based on the study of conditions for submittal to the City Council of the City for review and appropriate action to further the purposes of the Urban Renewal Law and the Authority.

Section 4. The Authority hereby directs staff and legal counsel to notify and commence outreach and negotiations regarding the sharing of incremental property tax revenue with the Board of County Commissioners of Delta County and the governing boards of each other taxing entity whose incremental property tax revenues would be allocated under such proposed urban renewal plan.

Section 5. This Resolution shall be effective upon approval of the Authority.

Adopted this 18th day of October, 2016.

Delta Urban Renewal Authority

By: _____
Edward C. Sisson, Chairman

Approved as to form:

By: _____
Caitlin S. Quander, Authority Counsel

DELTA URBAN RENEWAL AUTHORITY

RESOLUTION # 5, 2016

**A RESOLUTION OF THE DELTA URBAN RENEWAL AUTHORITY
REGARDING THE 1986 PLAN FOR URBAN RENEWAL AND DEVELOPMENT**

WHEREAS, the Colorado Urban Renewal Law, Part 1 of Article 25 of Title 31 (the “Urban Renewal Law”) provides for urban renewal of slums and blighted areas; and

WHEREAS, the Delta Urban Renewal Authority (the “Authority”) is a duly constituted urban renewal authority, established and operating pursuant to the laws of the State of Colorado, and in particular the provisions of C.R.S. § 31-25-104; and

WHEREAS, in accordance with the Urban Renewal Law, the Authority is vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Urban Renewal Law; and

WHEREAS, on July 22, 1986, by Resolution # 6, 1986, the City Council of the City of Delta designated an urban renewal area, approved the Plan for Urban Renewal and Development (the “1986 Plan”) pursuant to the requirements of the Urban Renewal Law and to further the public purposes of facilitating redevelopment of the urban renewal area, eliminating blight, and preventing injury to the public health, safety, morals, and welfare of the residents of the City, and authorized the Authority to take any and all actions pursuant to the Urban Renewal Law to execute the 1986 Plan; and

WHEREAS, the Authority desires to adopt this Resolution to provide clarity regarding the status and continued existence of the 1986 Plan and the Authority’s ability to undertake activities pursuant to and in furtherance of the 1986 Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS OF THE DELTA URBAN RENEWAL AUTHORITY:

Section 1. The foregoing recitals are incorporated herein by this reference.

Section 2. The Authority hereby affirms pursuant to the Urban Renewal Law that the 1986 Plan remains in existence and the Authority may undertake activities pursuant to and in furtherance of the 1986 Plan; however, pursuant to C.R.S. § 31-25-107(9) of the Urban Renewal Law which authorizes the collection of tax increment for a period not to exceed 25 years, nothing in the 1986 Plan provides the Authority with the ability to receive tax increment pursuant to C.R.S. § 31-25-107(9) of the Urban Renewal Law as of the date of this Resolution and beyond.

Section 3. This Resolution shall be effective upon approval of the Authority.

Adopted this 18th day of October, 2016.

Delta Urban Renewal Authority

By: _____
Edward C. Sisson, Chairman

Approved as to form:

By: _____
Caitlin S. Quander, Authority Counsel