

**SECOND AMENDMENT OF INTERGOVERNMENTAL AGREEMENT
FOR HAZARDOUS MATERIALS MANAGEMENT**

This Second Amendment of the Intergovernmental Agreement for Hazardous Materials Management (“Second Amendment”) is effective as of _____ (“Effective Date”) and is made by and among the Board of County Commissioners on behalf of the County of Boulder, State of Colorado, a body corporate and politic (“County”), the City and County of Broomfield, the City of Boulder, City of Lafayette, City of Longmont, City of Louisville, the Town of Erie and Town of Superior, each a municipal corporation.

RECITALS

- A. The Parties have entered into an Intergovernmental Agreement for Hazardous Materials Management dated January 30, 2014, as amended by the Renewal & Amendment of the Intergovernmental Agreement for Hazardous Materials Management, effective January 1, 2019 (collectively, the “Agreement”).
- B. An expansion to the HMM Facility (the “Expansion”) is necessary in order to meet the current and growing needs of the Boulder County community for hazardous materials management collection.
- C. The final cost estimate and required Party contributions for the Expansion are set forth in Section 4 below.
- D. In the Agreement, the Parties anticipated that (1) there may one day be a need for an Expansion, and (2) the costs of such Expansion would be shared proportionally among the Parties.
- E. As required by the Agreement, the Parties have been contributing to a fund to be used only for future equipment needs or facility expansion or replacement (“Restricted Fund”), but the total amount currently in the Restricted Fund is insufficient to finance the cost of the Expansion.
- F. Now that the details and cost of the Expansion have been determined, the Parties wish to approve the use of the Restricted Fund to finance the Expansion and clarify the financial commitments of each Party related to financing the Expansion in full.

DETAILS

- 1. The Parties hereby approve the Expansion.
- 2. As required by Article VIII(A), the Parties hereby approve the use of all amounts in the Restricted Fund to finance the Expansion.
- 3. By October 1, 2021, each Party will contribute (a) any past due Restricted Fund contributions and (b) the additional amount, in each case, as indicated for such Party in Section 4 to fully finance the Expansion.

4. The Parties contributions are as follows:

2021 HMMF Building Expansion Budget (office and storage)							
Community	% Use	Refund Contribution	5% Fee Paid thru 2018	2019 Expansion Contributions	2020 Expansion Contributions	2021 Expansion Contributions	Amount Due
Boulder County	24%	\$55,866	\$34,772	\$17,362	\$103,680	\$28,035	\$28,035
Boulder	40%	\$96,324	\$57,953	\$25,723	\$172,800	\$46,724	\$46,724
Broomfield	4%	0	\$5,795	\$12,205	\$17,280	\$4,672	\$4,672
Erie	3%	\$7,807	\$4,346	\$1,347	\$12,960	\$3,504	\$16,464
Lafayette	9%	\$18,869	\$13,039	\$8,592	\$38,880	\$10,513	\$57,985
Longmont	10%	0	\$14,488	\$30,512	\$43,200	\$11,681	\$85,393
Louisville	8%	\$19,641	\$11,591	\$4,768	\$34,560	\$9,345	\$48,673
Superior	2%	\$6,264	\$2,898	(\$162)	\$8,640	\$2,336	\$2,175
	100%	\$204,771	\$144,883	\$100,346	\$432,000	\$116,811	\$290,121

*Contributions in blue have been received

**Sum of Refund contribution, Amount Paid to Date (in Future Facility Replacement Fund), and 2019 Expansion Contributions = \$450,000

***After the 2019 and 2020 facility replacement fee payments are paid in full, the funding gap is only \$116K which is reflected in the 2021 contributions column.

5. This Amendment is incorporated by reference into the Agreement. The Agreement shall remain in full force and effect except as specifically modified herein.

[SIGNATURES TO FOLLOW]

IN WITNESS WHEREOF, the Parties have executed and entered into this Second Amendment as of the Effective Date.

SIGNED for and on behalf of Boulder County
Signature:
Name:
Title:
Date:

ATTEST:
Attestor Name:
Attestor Title:
Date:

(seal)

SIGNED for and on behalf of the City and County of Broomfield

Signature:

Name:

Title:

Date:

ATTEST:

Attestor Name:

Attestor Title:

Date:

(seal)

APPROVED AS TO FORM:

By:

Title:

Date:

SIGNED for and on behalf of the City of Boulder

Signature:

Name:

Title:

Date:

ATTEST:

Attestor Name:

Attestor Title:

Date:

(seal)

APPROVED AS TO FORM:

By:

Title:

Date:

SIGNED for and on behalf of the City of Lafayette

Signature:

Name:

Title:

Date:

ATTEST:

Attestor Name:

Attestor Title:

Date:

(seal)

APPROVED AS TO FORM:

By:

Title:

Date:

CITY OF LONGMONT,
a municipal corporation

MAYOR

ATTEST:

CITY CLERK

DATE

APPROVED AS TO FORM:

ASSISTANT CITY ATTORNEY

DATE

PROOFREAD

DATE

APPROVED AS TO FORM AND SUBSTANCE:

ORIGINATING DEPARTMENT

DATE

CA File: 21-001199

SIGNED for and on behalf of the City of Louisville
Signature:
Name:
Title:
Date:

ATTEST:
Attestor Name:
Attestor Title:
Date:

(seal)

APPROVED AS TO FORM:
By:
Title:
Date:

SIGNED for and on behalf of the Town of Erie
Signature:
Name:
Title:
Date:

ATTEST:
Attestor Name:
Attestor Title:
Date:

(seal)

APPROVED AS TO FORM:
By:
Title:
Date:

SIGNED for and on behalf of the Town of Superior
Signature:
Name:
Title:
Date:

ATTEST:
Attestor Name:
Attestor Title:
Date:

(seal)

APPROVED AS TO FORM:
By:
Title:
Date: