645 Holbrook Street
Erie, CO 80516

TOWN OF ERIE

Legislation Details (With Text)

File #:	18-180	**Version:**	1	**Name:**	
Type:	Consent Agenda			**Status:**	Agenda Ready
File created:	5/9/2018			**In control:**	Town Council
On agenda:	6/12/2018			**Final action:**	
Title:	Consideration Of A Resolution Of The Town Of Erie, Colorado Approving An Intergovernmental Agreement By And Between Boulder County, The City And County Of Broomfield And The Cities of Boulder, Lafayette, Longmont And Louisville, And The Towns Of Erie And Superior, for Hazardous Material Management; And Setting Forth Details In Relation Thereto.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	1. HMMF Renewal Amendment Final 2019-2023, 2. HMM Facility Brochure, 3. Resolution				

Date	Ver.	Action By	Action	Result

SUBJECT: CONSENT AGENDA

A Resolution Of The Town Of Erie, Colorado Approving An Intergovernmental Agreement By And Between Boulder County, The City And County Of Broomfield And The Cities of Boulder, Lafayette, Longmont And Louisville, And The Towns Of Erie And Superior, for Hazardous Material Management; And Setting Forth Details In Relation Thereto.

DEPARTMENT: Planning and Development

PRESENTER: Todd Bjerkaas, Planning and Development Director
Raelynn Ferrera, Facilities and Special Project Manager

FISCAL INFORMATION:

Cost as Recommended:	$26,547.00 (estimated annually based on prior years use)
Balance Available:	$26,600 (to be requested in 2019 budget)
Fund:	General
Budget Line Item Number:	100.70.110.570320.000000
New Appropriation Required:	No

STAFF RECOMMENDATION: Approve Resolution authorizing execution of said agreement, and authorizing Town Staff to annually expend funds.

SUMMARY AND BACKGROUND OF SUBJECT MATTER: The Town of Erie has participated in the Hazardous Materials Management (IGA) since 1999, each IGA is for a Five-year period, the last renewal was for this IGA was approved by the Board on June 25, 2013. Every fourth year the involved parties review and update the agreement to meet the present needs, this year the agreement was simply amended to include the following:

Section VI.

- The County will be the paying agent for the HMM Program and Facility.

- Each Party's contribution towards the HMM Program costs for a particular year shall be calculated based on the actual program costs incurred during the previous year, representing estimated expenses for the particular year. Contributions for a particular year shall be calculated after all program expenses for the previous year have accrued. Contributions for each subsequent year will include an adjustment to reconcile estimated versus actual expenses for each year.

- The County will request payment of each Party's contribution to the HMM Program costs based on the participation by households of each Party, on an annual basis, due no later than January 20 each year. Parties must pay the amount of their contributions, as calculated by the County, within thirty (30) days of billing. Contributions will be calculated as follows:
    - Actual program costs for the applicable year;
    - PLUS estimated program costs (if applicable);
    - MINUS any deductions as described in Section V.A., above, for the applicable

Section VI amendment will eliminate the current process of estimated billing on a quarterly basis, then adjusting the following quarter to reflect actual use. Billing will be done annually and based on actual use.

Section VIII:

- The HMM Facility is expected to serve the needs of Boulder County for the next twenty years and beyond. In anticipation of future equipment needs, or facility expansion or replacement needs, the Parties each agree, subject to appropriation of sufficient funds therefor, to pay an additional 5% above actual annual operational expenditures for each year for the term of this Agreement, which shall be placed by the County into a restricted fund and used only for future equipment needs or facility expansion or replacement. This is expected to generate approximately One Hundred Forty-Four Thousand and Five Hundred Dollars ($144,500) over 5 years. Any expenditure from the restricted fund shall be approved by the Parties in writing.

Section VIII amendment will ensure each participating parties to contribute in the funding of equipment needs or facility expansion or replacement needs as they arise.

Section XI. Subsection I:

- Each Party reserves the right to take action modifying the terms of their program participation with respect to their individual residents and residential households, such as charging co-pays and limiting the number of permitted drop-offs. At least sixty (60) days prior to taking such action, the Party must send written notice of its intended action to all other Parties to this Agreement, as unilateral Party changes to their program participation may impact other Parties' program costs. Email is an acceptable form of written notice. In the event that a Party seeks the assistance of County Hazardous Materials staff to effect modifications to its program participation, such as collection of co-pays on site by Hazardous Materials staff, the Party and the County shall come to a written understanding of their respective obligations thereto (email is acceptable).

Section XI amendment allows for any of the participating parties to modify the agreement in such a way that will allow the Town to share the burden of the costs with those using the facility.

This IGA is has been reviewed by the Town legal representative as well as legal representatives from each municipality.

The HMM facility is available for use by all Erie residents, both Boulder and Weld County. The use by Erie residents has increased 175 in 2008 to 458 in 2017. The Boulder County Hazardous Materials Management

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Facility is located West of Boulder County Recycling Center at 1901 63rd Street in Boulder.

The facility offers several services including collecting and disposing of any unused or unwanted hazardous products in a proper manner and in some cases even collecting item that can be reused and offer Reusable products i.e. paint and other common household products FREE OF CHARGE to residents and businesses

ATTACHMENTS:

a. Hazardous Martials Management Intergovernmental Agreement

b. Hazardous Martials Management Facility Brochure

c. Resolution 18-___