



# Town of Johnstown

## TOWN COUNCIL CONSENT AGENDA COMMUNICATIONS

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**AGENDA DATE:** June 7, 2021

**SUBJECT:** Intergovernmental Agreement between the Town of Johnstown, Colorado, and High Plains Metropolitan District Nos. 1, 3 and 4

**ACTION PROPOSED:** Approve Intergovernmental Agreement between the Town of Johnstown, Colorado, and High Plains Metropolitan District Nos. 1, 3 and 4

**ATTACHMENTS:** 1. Intergovernmental Agreement between the Town of Johnstown, Colorado, and High Plains Metropolitan District Nos. 1, 3 and 4

**PRESENTED BY:** Town Attorney, Avi Rocklin, Special Counsel, Carolyn Steffl of Moses, Wittemyer, Harrison & Woodruff, P.C.

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### AGENDA ITEM DESCRIPTION:

The proposed Intergovernmental Agreement between the Town of Johnstown, Colorado, and High Plains Metropolitan District Nos. 1, 3 and 4 (“IGA”) arises in conjunction with the request for approval of the Amended and Restated Service Plan for High Plains Metropolitan District No. 2 and Consolidated Service Plan for Revere at Johnstown Metropolitan District Nos. 2-9 (“Revere Service Plan”).

In 2008, the Town approved four service plans for related districts known as the High Plains Metropolitan Districts Nos. 1-4.

Because the service area of the proposed High Plains Metropolitan District No. 2 and Revere at Johnstown Metropolitan District Nos. 2-9 (“New Revere Districts”) overlapped with the boundaries of the existing High Plains Metropolitan District Nos. 1, 3 and 4 (“Existing HP Districts”), the Boards of Directors of the Existing HP Districts excluded the overlapping property from their boundaries.

In addition, because certain assumptions in the service plans for the Existing HP Districts are outdated and inconsistent with the Revere Service Plan, including, for example, the financial assumptions, the Existing HP Districts agree to submit new service plans based on the Town’s then-current service plan at the time of submittal, with revised capital and financing plans and maximum debt authorizations, and amend the boundaries of each Existing HP District based on the approved outline development plans.

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Prior to the submittal and approval of such new service plans, the Existing HP Districts agree not to: (a) issue any bonds, notes, contracts, reimbursement agreements or other multiple fiscal year financial obligations or other payment obligations for which such district has promised to impose an ad valorem property tax mill levy and/or impose and collect fees (“Debt”); (b) impose a mill levy for the payment of Debt by direct imposition or by transfer of funds from the operating fund to the Debt service funds; (c) impose and collect any fees; (d) approve inclusion of property into the boundaries of the districts; or (e) refer a question to voters for authorization of any additional debt.

The purpose of the IGA is to memorialize the foregoing promises and commitments by the Existing HP Districts.

**LEGAL ADVICE:**

The Town Attorney and the Town’s Special Counsel have reviewed the Intergovernmental Agreement between the Town of Johnstown, Colorado, and High Plains Metropolitan District Nos. 1, 3 and 4.

**FINANCIAL ADVICE :**

N/A

**RECOMMENDED ACTION:** Approve the Intergovernmental Agreement between the Town of Johnstown, Colorado, and High Plains Metropolitan District Nos. 1, 3 and 4.

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**SUGGESTED MOTIONS:**

**For Approval:** I move to approve the Intergovernmental Agreement between the Town of Johnstown, Colorado, and High Plains Metropolitan District Nos. 1, 3 and 4, and authorize the Mayor to sign it.

**For Denial:** I move to deny approval of the Intergovernmental Agreement between the Town of Johnstown, Colorado, and High Plains Metropolitan District Nos. 1, 3 and 4.

*Reviewed and Approved for Presentation,*



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Town Manager

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