

**RESOLUTION NO. 2019-70**

**A RESOLUTION OF THE FRUITA CITY COUNCIL APPROVING THE  
TERMINATION OF THE INTERGOVERNMENTAL AGREEMENT FOR THE  
CREATION OF THE 5-2-1 DRAINAGE AUTHORITY**

**WHEREAS**, in June 2004 Mesa County, the City of Fruita, City of Grand Junction, the Town of Palisade and the Grand Valley Drainage District formed the 5-2-1 Drainage Authority, commonly known as the 5-2-1; and

**WHEREAS**, on June 2, 2004 the Fruita City Council approved the Intergovernmental Agreement (the “IGA”) forming the 5-2-1 Drainage Authority; and

**WHEREAS**, the 5-2-1 was created to, among other things, study drainages, plan for and develop drainage structures and facilities necessary to accommodate drainage water, and manage storm water discharges from new and/or existing facilities all in accordance with discharge permits issued by the Colorado Department of Public Health and Environment and applicable State and Federal law; and

**WHEREAS**, for a number of years, the 5-2-1 and its contracted manager, presently the City of Grand Junction, have capably administered the discharge permits; however, the 5-2-1 has not been able to develop a mechanism for capital funding for the construction of facilities; and

**WHEREAS**, given the 5-2-1 had not been successful with at least a portion its mission and purpose and has determined that the permit inspection and administration functions may be more effectively managed by technical staff of each entity or by contract with Mesa County, members of the 5-2-1 and the 5-2-1 Board have considered termination of the IGA; and

**WHEREAS**, at its meeting on December 5, 2019 the consensus of the 5-2-1 Board of Directors was to terminate the IGA; and

**WHEREAS**, following termination of the IGA City Council will determine whether to contract with Mesa County to inspect and permit stormwater facilities and discharges or instead the City will assume those obligations; and

**WHEREAS**, pursuant to the IGA and applicable law, certain steps are necessary to “wind up” the business of the 5-2-1 and accordingly it is the intention of the 5-2-1 Board of Directors to complete those matters by no later than March 31, 2020; and

**WHEREAS**, the 5-2-1 has no debt or other outstanding financial obligations; discharge permit(s) and the obligations arising out of or thereunder will be transferred in accordance with the requirements of CDPHE and to the proper party(ies); and

**WHEREAS**, upon adoption of this resolution by the City, and similar resolutions by each of the parties to the IGA, the 5-2-1 Board of Directors will commence the dissolution, disposition of assets and other matters as provided herein.

**NOW, THEREFORE, BE IT RESOLVED BY THE FRUITA CITY COUNCIL THAT:**

The Fruita City Council hereby authorizes the City to take the necessary steps under the IGA and applicable law to effect the termination of the IGA and the dissolution of the 5-2-1 subject to the terms, conditions and with the understandings provided herein.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF FRUITA,  
COLORADO THIS 17TH DAY OF DECEMBER 2019.**

ATTEST:

CITY OF FRUITA

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Margaret Sell, City Clerk

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Joel Kincaid, Mayor