



21-36

**A RESOLUTION****AUTHORIZING AND APPROVING ELBERT COUNTY'S PARTICIPATION IN THE METRO MORTGAGE ASSISTANCE PLUS PROGRAM, AND AUTHORIZING THE EXECUTION OF THE DELEGATION AND PARTICIPATION AGREEMENT AND OTHER DOCUMENTS IN CONNECTION THEREWITH.**

WHEREAS, the State of Colorado (the "State") Constitution Article XIV, Section 18(2)(a) provides that nothing in the Constitution shall prohibit any of the State's political subdivisions from cooperating with one another to provide any service lawfully authorized to each of the cooperating units; and

WHEREAS, the City and County of Denver, Colorado ("Denver") is authorized pursuant to its Home Rule Charter to promote the financing of mortgage loans for low- and moderate-income persons or families intended for use as the sole place of residence by the owners or intended occupants thereof; and

WHEREAS, Denver sponsors the Metro Mortgage Assistance Plus Program to provide competitive mortgage loans which will be coupled with down payment and closing cost assistance in connection with financing mortgage loans for low- and moderate- income persons or families intended for use as the sole place of residence by the owners or intended occupants thereof (the "Program"); and

WHEREAS, Denver has invited ELBERT COUNTY (the "County") to participate in the Program; and

WHEREAS, the County has the full legal authority to participate in the Program pursuant to its general powers granted to it in Title 29, Article 1, Section 203 of the Colorado Revised Statutes, as amended, and Title 30, Article 11, Colorado Revised Statutes, as amended (collectively, the "Act"); and

WHEREAS, the County desires to delegate to Denver the authority of the County to take action and exercise power under the Act on behalf of the County with respect to the Program within the County's boundaries;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ELBERT COUNTY:**

**Section 1.** In order to benefit the residents of the County, the Elbert Board of County Commissioners authorizes and approves its participation in the Program in connection with the financing of mortgage loans for low-and moderate-income families or persons intended for use as the sole place of residence by the owners or intended occupants thereof, and the County delegates to Denver the authority of the County to take action and exercise power under the Act on behalf of the County with respect to the Program.



**Section 2.** The County Manager of Elbert County is hereby authorized and directed to execute and deliver and the Elbert County Manager is hereby authorized and directed to attest and deliver the Delegation and Participation Agreement attached hereto as Appendix A (the “Agreement”) and such other agreements and certificates and to take such other actions as may be necessary or convenient to carry out and give effect to the County’s participation in the Program.

**Section 3.** Nothing contained in this Resolution or the Agreement shall constitute a debt, indebtedness or multiple-fiscal year direct or indirect debt or other financial obligation of the County within the meaning of the Constitution or statutes of the State of Colorado or the home rule charter of any political subdivision thereof, nor give rise to a pecuniary liability of the County or a charge against its general credit or taxing powers.

**Section 4.** If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

**Section 5.** This Resolution shall be in full force and effect upon its passage and approval.

**Section 6.** For so long as the County remains a participant in the Program, Denver shall provide the County with an annual report (which report shall include empirical data with information reasonably sufficient to determine) showing the number of County residents aided with down payment assistance through the Program resulting in completed real-estate closings located in unincorporated Elbert County by October 1<sup>st</sup> of the current calendar year following adoption of this Resolution.

**Section 7.** Either party may at any time terminate the Agreement by providing prior written notice to the other party at least thirty (30) calendar days prior to the effective date of termination.



Adopted this 13<sup>th</sup> day of October 2021.

ELBERT COUNTY COMMISSIONERS

  
Chris Richardson, Chairman

[SEAL]

ATTEST: Dallas Schroeder, County Clerk

By Amanda W Moore  
Deputy Clerk to the Board – Amanda Moore

