

**CITY OF LEADVILLE, COLORADO
RESOLUTION NO. 31
SERIES 2020**

**A RESOLUTION AUTHORIZING ESTABLISHMENT OF A NEW PAYMENT PROCESS
FOR THE TABOR OPERA HOUSE REHABILITATION PROJECT**

WHEREAS, the City of Leadville, Colorado (“City”) is authorized to enter into contracts for the performance of general municipal governance and services; and

WHEREAS, the City has secured federal and state grant funding for a significant portion of Phase 1 of the rehabilitation of the exterior envelope of the City’s historic Tabor Opera House (“Project”); and; and

WHEREAS, the City entered into that certain professional services agreement dated May 28, 2020 with Hoehn Architects, P.C. for construction administration services related to the Project via Resolution No. 12, Series 2020 (“Services Agreement”); and

WHEREAS, the City also entered into that certain construction contract dated May 27, 2020 with the joint venture Heritage A&M to complete the construction work for the Project via Resolution No. 21, Series 2020 (“Construction Contract”); and

WHEREAS, furthermore, the Tabor Opera House Preservation Foundation (“Foundation”) leases the Tabor Opera House from the City and maintains and operates the Tabor Opera House pursuant to that certain theater operating agreement dated May 10, 2017 between the City and the Foundation (“Operating Agreement”); and

WHEREAS, the Foundation is a non-profit corporation that is eligible for historic preservation income tax credits jointly administered by the Colorado Office of Economic Development and International Trade and History Colorado; and

WHEREAS, the tax credits potentially available for the Project would provide significant financial assistance to the Foundation in continuing to operate and maintain the Tabor Opera House; and

WHEREAS, in order for the Foundation to receive state historic preservation tax credits for the Project, the Foundation must be responsible for the payment of all contractors completing services or other work related to the Project; and

WHEREAS, City staff has confirmed with the appropriate state agencies and the applicable federal grant agencies that establishing the City as a pass-through payment entity for the Project is acceptable; and

WHEREAS, City Council desires to authorize the Mayor to execute the appropriate contracts, contract amendments, and other documents as may be necessary to establish the City as the pass-

through payment entity for the Project and allow the Foundation to assume responsibility for payment of the Project contractors so long as there is no increase to the financial obligations of the City or delay in completion of the Project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Leadville, Colorado as follows:

Section 1. The foregoing recitals are incorporated herein by reference as findings and determinations of City Council.

Section 2. The City Council hereby: (a) authorizes the Mayor to execute such documents as may be necessary to establish the City as the pass-through payment entity for the Project and allow the Foundation to assume responsibility for payment of the Project contractors; and (b) makes the following conditions of such authorization:

(1) All documents authorized by this Resolution shall be in a form acceptable to the City Attorney; and

(2) No document authorized by this Resolution shall increase the financial obligations of the City or the time for completion of the Project; and

(3) Any amendments to existing contracts authorized by this Resolution must have the written consent of the contractor or other party and be otherwise in accordance with amendment provisions of the applicable contract.

Section 3. Severability. If any part, section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining provisions.

Section 4. Effective Date. This Resolution shall take effect upon its adoption by the City Council.

CITY OF LEADVILLE, COLORADO

By: 

Greg Labbe, Mayor

ATTEST:


Deputy City Clerk

ADOPTED by a vote of 6 in favor and 0 against, and 0 abstaining, this 21st day of July, 2020.