

RESOLUTION NO. 2022-88

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO,
TO OPT IN THE UNDERGROUND DAMAGE PREVENTION SAFETY PROGRAM

WHEREAS, anyone conducting excavations in Colorado is required to contact Colorado 811 for notification purposes so that underground facilities can be marked, and owners of underground facilities must join as members of Colorado 811; and

WHEREAS, in 2018, the state legislature passed Senate Bill 18-167 to increase enforcement of requirements related to the location of underground facilities through the creation of a Statewide Underground Damage Prevention Safety Commission; and

WHEREAS, home rule local governments are not subject to the Underground Damage Prevention Safety Commission (“Commission”) and may create their own similar enforceable damage prevention safety program or delegate their authority to the Commission; and

WHEREAS, the City has not adopted its own underground damage prevention safety program and finds that it is in the best interests of the City to delegate its authority to the Commission for the review of complaints and enforcement of standards without subjecting itself to such enforcement and continues to maintain its home rule authority for itself and does not subject itself to the jurisdiction of the Commission; and

WHEREAS, City Council hereby delegates its authority to create an underground damage prevention safety program to the Commission to set standards, review complaints, and enforce standards and does not subject the City itself to the Commission’s jurisdiction to impose a penalty or enforce a recommendation or remedial action or fine against the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AS FOLLOWS:

1. The City of Brighton delegates its authority to create an enforceable underground damage prevention safety program to the State Underground Damage Prevention Safety Commission.
2. The City of Brighton does not waive the home rule exemption for itself found in C.R.S. § 9-1.5-104.2(1)(c) and is not subject to the Commission’s jurisdiction as far as enforcement of complaints against the City.
3. This Resolution is effective as of the date of its adoption.

RESOLVED THIS 2nd DAY OF August, 2022

CITY OF BRIGHTON, COLORADO

GREGORY MILLS, Mayor

ATTEST:

NATALIE HOEL, City Clerk

APPROVED AS TO FORM:

ALICIA CALDERÓN, City Attorney