

**CITY OF WHEAT RIDGE, COLORADO**  
**INTRODUCED BY COUNCIL MEMBER HOPPE**  
**Council Bill No. 21**  
**Ordinance No. 1652**

**Series 2018**

**TITLE: AN ORDINANCE ADOPTING A NEW SECTION 2-9 OF THE WHEAT RIDGE  
CODE OF LAWS CONCERNING THE RETENTION OF INTEREST EARNED  
ON ESCROW ACCOUNTS HELD BY THE CITY**

**WHEREAS**, the City of Wheat Ridge ("City") is a home rule municipality operating under a charter adopted pursuant to Article XX of the Colorado Constitution and vested with the authority by that article and the Colorado Revised Statutes to enact laws to govern and regulate the development of land and the construction and design of public and private improvements within its territory; and

**WHEREAS**, pursuant to this authority, the Wheat Ridge City Council ("Council") previously adopted regulations, codified within the Wheat Ridge Code of Laws ("Code"), including the requirement that escrow accounts be established from time to time; and

**WHEREAS**, the Council determines that there is a significant cost associated with City staff receiving and administering monies deposited into escrow accounts for various purposes mandated by the Code and by the City staff executing its duties enumerated with the Code; and

**WHEREAS**, exact accounting and record keeping of each small escrow account and interest earned would be extremely burdensome and impractical for City staff; and

**WHEREAS**, the Council further determines that the City staff should not be required to track or provide accounting for interest earned on escrow accounts; and

**WHEREAS**, the Council has now determined that it is in the best interests of the safety, health and welfare of the citizens of Wheat Ridge to retain interest earned on escrow accounts held by the City.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY  
OF WHEAT RIDGE, COLORADO:**

Section 1. Findings. The above and foregoing findings are hereby incorporated by this reference as specific findings and determinations of the Council.

Section 2. Chapter 2 of the Wheat Ridge Code of Laws is amended by the adoption of a new section 2-9 as follows:

Sec. 2-9. – Retention of Interest Earned on Escrow Accounts.

(a) Legislative Findings. The City Council hereby finds and determines:

- (1) There is a significant cost associated with City staff receiving and administering monies deposited into escrow accounts for various purposes mandated by the Code of Laws and by the City Manager and his or her delegates executing their duties enumerated with the Code of Laws.
- (2) Exact accounting and record keeping of each small escrow account and interest earned thereon would be extremely burdensome and impractical for City staff to reasonably achieve.
- (3) The City should not be required to track or provide accounting for interest earned on escrow accounts.
- (4) The City should retain any interest that may be earned while monies are held in escrow accounts.
- (5) Such retained interest will compensate the City, in part, for its costs of escrow account administration.

(b) Applicability. This Section applies to escrow held and maintained by the City under the Code of Laws, including, but not limited to the following:

- (1) Commercial or industrial projects (Sec 5-45)
- (2) Permits for work in the public ways, streets and sidewalks (Sec 21-20 and 21-52)
- (3) Enhanced sales tax incentive program (Sec 22-82)
- (4) Business development zone program (Sec. 22-92)
- (5) Landscaping (Sec 26-502)

(c) Interest Retained. Any interest earned by the City on escrow accounts held and maintained by the City shall be retained by the City. There shall be no expectation that the City return or provide accounting for said interest.

Section 3. Effective Date. This Ordinance shall take effect fifteen (15) days after final publication, as provided by Section 5.11 of the Charter.

**INTRODUCED, READ, AND ADOPTED** on first reading by a vote of 8 to 0 on this 23<sup>rd</sup> day of July, 2018, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge and Public Hearing and consideration on final passage set for August 13, 2018, at 7:00 o'clock p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

**READ, ADOPTED AND ORDERED PUBLISHED** on second and final reading by a vote of 7 to 0, this 13th day of August, 2018.

SIGNED by the Mayor on this 13th day of August, 2018.

*Bud Starker*

Bud Starker, Mayor

ATTEST:

*Janelle Shaver*  
Janelle Shaver, City Clerk



Approved As To Form

*Gerald E. Dahl*

Gerald E. Dahl, City Attorney

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