

A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE CITY OF COLORADO SPRINGS, COLORADO ON BEHALF OF ITS ENTERPRISE COLORADO SPRINGS UTILITIES, AND THE BOARD OF WATER WORKS OF PUEBLO, COLORADO

WHEREAS, the City of Colorado Springs (the “City”) on behalf of its enterprise Colorado Springs Utilities is authorized to enter into intergovernmental agreements with other Colorado governmental entities for the provision of any function or service with the approval of the City Council of the City of Colorado Springs (“City Council”); and

WHEREAS, the Board of Water Works of Pueblo, CO (“Pueblo Water”) is a public municipal utility that provides water service to the City of Pueblo, Colorado, and other water users within the vicinity of the City of Pueblo, Colorado; and

WHEREAS, Pueblo Water operates and controls Clear Creek Reservoir located in the Upper Arkansas Basin, Chaffee County, Colorado, and its decreed water storage rights of 11,439 acre-feet of absolute storage and 18,561 acre-feet of conditional storage; and

WHEREAS, Pueblo Water is investigating the feasibility of constructing an enlargement to Clear Creek Reservoir to improve the water supply for Pueblo Water; and

WHEREAS, Colorado Springs Utilities desires to participate with Pueblo Water in the investigation of the feasibility of an enlargement of Clear Creek Reservoir to allow Colorado Springs Utilities to, among other things, meet the water supply demands of a growing population, mitigate against droughts, and diversify its water storage portfolio, all consistent with Colorado Springs Utilities’ Integrated Water Resources Plan, and if it is feasible for the Parties to enlarge Clear Creek Reservoir to a size that exceeds Pueblo Water’s current needs and Colorado Springs Utilities’ future needs, to negotiate a further agreement for Colorado Springs Utilities to participate in the enlargement of Clear Creek Reservoir and to acquire a right to store water therein to meet its water supply demands; and

WHEREAS, Colorado Springs Utilities and Pueblo Water recognize that it is in their mutual interests to work collaboratively to investigate the feasibility of enlarging Clear Creek Reservoir; and

WHEREAS, Colorado Springs Utilities and the County desire to enter into the attached intergovernmental agreement that enables Colorado Springs Utilities to participate in and contribute funds to Pueblo Water’s feasibility study for the enlargement of Clear Creek Reservoir and outlines the circumstances under which Colorado Springs Utilities will have the first right to negotiate future intergovernmental agreements under

which Colorado Springs Utilities and Pueblo Water will pursue the design, permitting, construction, operation, and maintenance of an enlargement of Clear Creek, and the allocation of enlarged storage therein as between Pueblo Water and Colorado Springs Utilities; and

WHEREAS, City Council has determined that it is in the best interests of the City and Colorado Springs Utilities to enter into the Intergovernmental Agreement, attached hereto and incorporated herein.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. The City Council hereby finds that approval of the attached Intergovernmental Agreement is in the best interests of the citizens of the City of Colorado Springs and the ratepayers of Colorado Springs Utilities, and hereby approves the attached Intergovernmental Agreement.

Section 2. The City Council hereby authorizes the Chief Executive Officer of Colorado Springs Utilities, or his designee, to execute the attached Intergovernmental Agreement on behalf of Utilities.

Section 3. This Resolution shall take effect as of the date and time of its approval.

DATED at Colorado Springs, Colorado, this _____ day of _____, 2022.

ATTEST:

Council President

Sarah B. Johnson, City Clerk