

A RESOLUTION APPROVING AN AMENDED AND RESTATED AGREEMENT BETWEEN THE PIKES PEAK REGIONAL WATER AUTHORITY AND COLORADO SPRINGS UTILITIES REGARDING ASSOCIATE STATUS

WHEREAS, Colorado Springs Utilities (“Utilities”) and Pikes Peak Regional Water Authority (“PPRWA”), entered into an agreement in 2013 to establish Utilities’ status as an associate of the Authority (“Original Agreement”); and

WHEREAS, the PPRWA is a water authority, a body corporate and politic, a separate governmental entity, a political subdivision and public corporation of the State of Colorado, pursuant to Section 18(2)(a) and 2(b) of Article XIV, Constitution of the State of Colorado and to § 29-1-204.2, Colorado Revised Statutes; and

WHEREAS, Utilities and PPRWA desire to amend and restate the Original Agreement in the form of the Amended and Restated Agreement Between the Pikes Peak Regional Water Authority and Colorado Springs Utilities, attached hereto (“Amended Agreement”); and

WHEREAS, pursuant to Colorado Revised Statutes § 29-1-203, Colorado governments are authorized to cooperate and contract for services, functions and/or facilities through the use of an intergovernmental agreement, such as the Amended Agreement; and

WHEREAS, pursuant to the Amended Agreement, Utilities may participate in projects with the Authority and with other participants and associates of the Authority pursuant to Project Participation Agreements, which may include shared services and functions; and

WHEREAS, the City Council of the City of Colorado Springs (“City Council”) has determined that it is in the best interests of the City and Utilities to enter into the Amended Agreement and to delegate the authority to the Chief Executive Officer of Utilities to enter into Project Participation Agreements that arise under the Amended Agreement.

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

Section 1. The City Council now adopts this Resolution and approves the attached Amended Agreement attached to this Resolution.

Section 2. The City Council hereby authorizes the Chief Executive Officer of Utilities to execute the Amended Agreement attached to this Resolution.

Section 3. The City Council hereby authorizes the Chief Executive Officer of Utilities to enter into any and all Project Participation Agreements with the Authority and/or participants

and/members of the Authority that arise under the Amended Agreement and that the Chief Executive Officer determines are in the best interest of Utilities.

Section 4. The City Council hereby ratifies the Original Agreement and all Project Participation Agreements that Utilities entered into under the Original Agreement.

Dated at Colorado Springs, Colorado, this _____ day of _____, 2021.

ATTEST:

Council President

Sarah B. Johnson, City Clerk