

RESOLUTION NO. _____-19

**A RESOLUTION APPROVING THE AMENDMENT TO EXTEND TERM OF APRIL 3, 2014,
FIRST REVISED WATER TRANSMISSION SERVICE CONTRACT AMONG AURORA –
COLORADO SPRINGS JOINT WATER AUTHORITY AND CITY OF AURORA, COLORADO
AND CITY OF COLORADO SPRINGS, COLORADO**

WHEREAS, the cities of Aurora and Colorado Springs (“Cities”) have for many years worked cooperatively in developing water resources to bring water from the Colorado River Basin to the water systems of the Cities through the project commonly known as the Homestake Project; and

WHEREAS, by contract executed May 13, 1983, the Cities established a separate governmental entity and subdivision of the State of Colorado known as the Aurora-Colorado Springs Joint Water Authority (“Authority”); and

WHEREAS, one specific purpose of the Authority was to finance, construct, operate, and maintain a pipeline from the outlet of Twin Lakes Dam to the Otero Pumping Station Intake (“Otero Extension Pipeline”) and provide for the transmission of the Cities’ water through the pipeline; and

WHEREAS, on June 1, 1983, the Cities and the Authority entered into a Water Transmission Service Contract that set forth the terms under which the Authority would finance, construct, operate and maintain the Otero Extension Pipeline and provide water transmission service to the Cities through the pipeline; and

WHEREAS, the Water Transmission Service Contract expired on December 31, 2013 and on April 3, 2014, the Cities and the Authority, entered into a First Revised Water Transmission Service Contract that sets forth the terms under which the Authority will operate and maintain the Otero Extension Pipeline and provide water transmission service to the Cities in the near future; and

WHEREAS, the First Revised Water Transmission Service Contract Water expires on December 31, 2019; and

WHEREAS, the Authority and the Cities have negotiated an Amendment to Extend Term of April 3, 2014, First Revised Water Transmission Service Contract that extends the term of the agreement such that its term is extended through December 31, 2021, with a single one-year automatic extension of the term and includes contemporary appropriations language that was not previously included in the agreement; and

WHEREAS, Colorado Springs Utilities requests that City Council: (1) approve the Amendment to Extend Term of April 3, 2014, First Revised Water Transmission Service Contract; and (2) authorize and direct the President of City Council to execute the Amendment to Extend Term of April 3, 2014, First Revised Water Transmission Service Contract.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

SECTION 1: The City Council finds and determines that approving the Amendment to Extend Term of April 3, 2014, First Revised Water Transmission Service Contract is in the best interest of the City.

SECTION 2: The Amendment to Extend Term of April 3, 2014, First Revised Water Transmission Service Contract is hereby approved.

SECTION 3: The President of City Council is authorized and directed to execute the Amendment to Extend Term of April 3, 2014, First Revised Water Transmission Service Contract in a form substantially similar to that attached hereto.

SECTION 4: The Executive Director of Colorado Springs Utilities is authorized to administer the Amendment to Extend Term of April 3, 2014, First Revised Water Transmission Service Contract.

Dated at Colorado Springs, Colorado, this 10 day of December, 2019.

Richard Skorman, Council President

ATTEST:

Sarah B. Johnson, City Clerk