

RESOLUTION NO. _____ - 25

A RESOLUTION AUTHORIZING THE ESTABLISHMENT OF
THE ROY WATER AUTHORITY AS A SEPARATE
GOVERNMENTAL ENTITY; AUTHORIZING AND
DIRECTING THE CHIEF EXECUTIVE OFFICER OF
COLORADO SPRINGS UTILITIES TO ENTER INTO AN
INTERGOVERNMENTAL AGREEMENT ESTABLISHING
THE ROY WATER AUTHORITY

WHEREAS, pursuant to Colorado Constitution Article XIV, Section 18(2)(a) and (b), and Section 29-1-203, Colorado Revised Statutes (C.R.S.), governmental entities may cooperate or contract with each other to provide any function, service or facility lawfully authorized to each, including the joint exercise of the function, service or facility by joint contract, and the establishment of a separate legal entity to do so; and

WHEREAS, pursuant to Section 29-1-204.2(1), C.R.S., any combination of municipalities, special districts, and other political subdivisions of the state, by contract with each other, may establish a separate governmental entity known as a Water Authority; and

WHEREAS, the City of Aurora, Colorado, a home rule municipal corporation of the counties of Adams, Arapahoe and Douglas, acting by and through its Utility Enterprise, the City of Colorado Springs, on behalf of its enterprise Colorado Springs Utilities ("Utilities"), the Board of Water Works of Pueblo, Colorado, the City of Fountain, Colorado, acting by and through the City of Fountain Electric, Water and Wastewater Utility Enterprise, Pueblo West Metropolitan District, and the Southeastern Colorado Water Activity Enterprise, are all political subdivisions of the State of Colorado (collectively "the Members"); and

WHEREAS, each of the Members own water rights decreed in the Arkansas River Basin; and

WHEREAS, each of the Members (except Pueblo West Metropolitan District) entered into an Intergovernmental Agreement with the City of Pueblo, Colorado, effective as of May 27, 2004, providing inter alia for the Members to forego diversions upstream of the City of Pueblo on the Arkansas River and then recapture those foregone diversions downstream for subsequent storage and the exchange of that water back upstream on the Arkansas River under different stream flow conditions for the Members' benefit ("ROY Program"); and

WHEREAS, pursuant to an Intergovernmental Agreement dated October 15, 2001 (“Haynes Creek Acquisition IGA”) the Members jointly acquired land, sometimes referred to as the “Haynes Creek Property,” for purposes of constructing a water storage reservoir in furtherance of the ROY Program; and

WHEREAS, the Members have concluded that they can more effectively and efficiently accomplish the objectives of the ROY Program by acquiring real property and constructing water diversion, conveyance and storage facilities through a single entity; and;

WHEREAS, to make the most efficient and effective use of their powers, and to perform their responsibilities more effectively, the Members wish to establish a separate governmental entity to develop water resources, systems and facilities under Section 29-1-204.2, C.R.S., as may be amended, to be known as the ROY Water Authority, by entering into an agreement establishing the Authority (“ROY Authority Establishing Agreement”); and

WHEREAS, the Haynes Creek Acquisition IGA required the members to convey their interests in the Haynes Creek Property to an entity formed to own, operate, and maintain the Haynes Creek Property; and

WHEREAS, the Haynes Creek Acquisition IGA and the ROY Authority Establishing Agreement require the Members to convey their interest in the Haynes Creek Property to the ROY Water Authority after execution of the Roy Authority Establishing Agreement; and

WHEREAS, pursuant to Section 1.5 of Chapter 1 of the City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interest (“RES Manual”) real property transactions pursuant to intergovernmental agreements are not subject the requirements of the RES Manual; and

WHEREAS, Utilities requests that City Council authorize the formation of the ROY Water Authority, find that the City’s interest in the Haynes Creek Property is surplus property, and direct the Chief Executive Officer of Utilities to enter into the ROY Authority Establishing Agreement and authorize the Mayor to sign the deed conveying the Haynes Creek Property to the ROY Water Authority.

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

Section 1. City Council finds that the public interest and best interests of Colorado Springs and Utilities will be served by the formation of the ROY Water Authority.

Section 2. City Council hereby approves the formation of the ROY Water Authority and the ROY Authority Establishing Agreement.

Section 3. City Council hereby finds that the City's interest in the Haynes Creek Property is surplus property that is not necessary for the operation of the City or Utilities, is unneeded for City affairs and that the conveyance of the Haynes Creek Property is not subject to the RES Manual.

Section 4. Colorado Springs Utilities' Chief Executive Officer is authorized to execute the ROY Authority Establishing Agreement in substantially the same form as set forth in Exhibit "A," attached hereto and made a part hereof subject to such minor modifications as maybe approved by Utilities' Chief Executive Officer and the City Attorney.

Section 5. Utilities' Chief Executive Officer is hereby authorized to cause Utilities to perform all of the obligations and meet all of the terms and conditions contained in the Roy Establishing Agreement on behalf of the City and Utilities.

Section 6. Utilities' Chief Executive Officer is authorized to execute all agreements and other documents that are necessary for implementation of the ROY Authority Establishing Agreement.

Section 7. The Mayor is authorized to sign the deed conveying the Haynes Creek Property to the ROY Water Authority.

Section 8. This Resolution shall be in full force and effect immediately upon its adoption.

Dated at Colorado Springs, Colorado this ____ day of _____, 2025.

Lynette Crow-Iverson, Council President

ATTEST:

Sarah B. Johnson, City Clerk