

RESOLUTION NO. ____-23

A RESOLUTION AUTHORIZING THE CHIEF EXECUTIVE OFFICER OF COLORADO SPRINGS UTILITIES TO EXECUTE A LONG-TERM WATER TREATMENT CONTRACT BETWEEN THE FOUNTAIN VALLEY AUTHORITY AND THE CITY OF COLORADO SPRINGS, THE CITY OF FOUNTAIN, SECURITY WATER DISTRICT, STRATMOOR HILLS WATER DISTRICT, AND WIDFIELD WATER AND SANITATION DISTRICT

WHEREAS, the City of Colorado Springs (the "City") on behalf of its enterprise Colorado Springs Utilities ("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 City of Colorado Springs is a member of the Fountain Valley Authority ("FVA") along with the City of Fountain, Security Water District, Stratmoor Hills Water District, and Widefield Water and Sanitation District (collectively the "FVA Participants"); and

WHEREAS, the FVA was organized as a vehicle for the repayment of the costs for construction and operation and maintenance of the Fountain Valley Conduit ("FVC"), and to construct and operate a water treatment plant to provide treatment for Frying-Pan Arkansas Project water conveyed by the FVC to the FVA Participants; and

WHEREAS, the FVA has constructed and operates, or causes to be operated, a water treatment plant with sufficient capacity to treat the water allocated to the FVC for the purpose of supplying water treatment services to each FVA Participant; and

WHEREAS, the FVA has provided water treatment services to the FVA Participants pursuant to the terms of a November 1, 1979 Water Treatment Contract between the FVA and the FVA Participants ("1979 Water Treatment Contract"); and

WHEREAS, the term of the 1979 Water Treatment Contract has expired and the FVA Participants need to enter into a new contract in order to continue receiving water treatment services from the FVA; and

WHEREAS, each FVA Participant has expressly stated its desire for continued water treatment services from the FVA consistent with the terms of the 1979 Water Treatment Contract; and

WHEREAS, the FVA desires to continue providing water treatment services to the FVA Participants on terms consistent with the 1979 Water Treatment Contract; and

WHEREAS, each Customer desires to purchase, and the FVA desires to sell, water treatment services on terms consistent with the 1979 Water Treatment Contract as expressed by the terms and conditions set forth in a new Water Treatment Contract (“2023 Water Treatment Contract”) between the FVA and the FVA participants; and

WHEREAS, City Council has determined that it is in the best interests of the City and Utilities to enter into the 2023 Water Treatment Contract, attached hereto and incorporated herein.

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

Section 1. City Council finds and determines that the 2023 Water Treatment Contract between the FVA and the FVA Participants attached hereto will benefit the public health, safety and welfare of the surrounding community and is in the best interest of the City.

Section 2. The Chief Executive Officer of Colorado Springs Utilities is authorized and directed to enter into the 2023 Water Treatment Contract between the FVA and the FVA Participants in a form substantially similar to that attached hereto.

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

Dated at Colorado Springs, Colorado this ___ day of ___, 2023.

Council President

ATTEST:

Sarah B. Johnson, City Clerk