

RESOLUTION NO. ____ - 24

A RESOLUTION APPROVING AN ADDENDUM TO 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 “Colorado Springs”), 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, Colorado (“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

WHEREAS, by Resolution 201-22, City Council authorized the Chief Executive Officer of Colorado Springs Utilities to execute an Intergovernmental Agreement (the “Intergovernmental Agreement”) between the Pueblo Water and Colorado Springs Utilities that includes the terms and conditions under which Colorado Springs Utilities will participate in a study of the feasibility of constructing an enlargement to Clear Creek Reservoir and the proposed terms for a subsequent intergovernmental agreement between Colorado Springs Utilities and Pueblo Water related to the design, permitting, construction, operation and maintenance of the enlargement to Clear Creek Reservoir (Phase II IGA”) for use by both parties; and

WHEREAS, the Intergovernmental Agreement was executed by both parties with an effective date of November 30th, 2022; and

WHEREAS, Colorado Springs Utilities and Pueblo Water desire to enter into the attached Addendum to Intergovernmental Agreement that amends the Intergovernmental Agreement to include additional components to the scope of work described therein, clarify the respective rights and obligations of the Parties in the purchase of property and other capital investments needed for the enlargement of Clear Creek Reservoir, and correct a typographical error; and

WHEREAS, Colorado Springs Utilities and Pueblo Water recognize that various pre-permitting tasks and activities not contemplated in the Intergovernmental Agreement or the Addendum to Intergovernmental Agreement may be necessary before the negotiation and execution of the Phase II IGA; and

WHEREAS, Colorado Springs Utilities is requesting that City Council authorize the Chief Executive Officer of Colorado Springs Utilities to execute future addendums to the

Intergovernmental Agreement related to the addition of pre-permitting tasks and activities for the proposed enlargement of Clear Creek Reservoir without requiring each addendum to be approved by City Council.

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

Section 1. The City Council hereby finds that the attached Addendum to 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 Addendum to Intergovernmental Agreement.

Section 2. The Chief Executive Officer of Colorado Springs Utilities is authorized and directed to enter into the Addendum to Intergovernmental Agreement in a form substantially similar to that attached hereto.

Section 3. The City Council authorizes the Executive Director of Colorado Springs Utilities to enter into additional addendum(s) to the Intergovernmental Agreement without seeking City Council approval as long as the following conditions have been satisfied:

- a. The addendum(s) involve additional pre-permitting tasks and activities for the proposed enlargement of Clear Creek Reservoir, or other non-material modifications of the Intergovernmental Agreement or any addendums thereto; and
- b. the addendum(s) are not anticipated to result in additional expenditures of Colorado Springs Utilities funds in excess of \$500,000.00 total for all addendums.

Section 4. This Resolution shall be in full force and effect immediately upon its adoption.

Dated at Colorado Springs, Colorado, this _____ day of _____, 2024.

Council President

ATTEST:

Sarah B. Johnson, City Clerk