

COUNCIL BILL NO. 13-032
ORDINANCE NO. 4401

AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT
BETWEEN THE DENVER WATER BOARD AND THE CITY OF ARVADA
PERTAINING TO THE FINANCING OF THE GROSS RESERVOIR EXPANSION

WHEREAS, C.R.S. Sections 29-1-203 and 29-20-105 authorize and enable governments of the State of Colorado to enter into cooperative agreements or contracts; and

WHEREAS, the City of Arvada (Arvada) and the City and County of Denver, acting by and through the Denver Board of Water Commissioners (Denver) entered into a Contract for Water Service dated May 25, 1965 (hereafter, the “1965 Contract”) ; and

WHEREAS Arvada and Denver entered into a 1999 Intergovernmental Agreement (the “1999 IGA”) that provides for Arvada’s financial participation in future Denver water supply projects to expand Denver’s Moffat Collection System, and which also permits Arvada to contract for a maximum amount of 3,000 acre feet of Contingent Water as that term is defined in the 1999 IGA; and

WHEREAS, on October 19, 2009, by entering into a settlement agreement, Denver and Arvada resolved those matter that were the subject of that certain legal action captioned as *City of Arvada v. City and County of Denver, Acting by and Through its Board of Water Commissioners*, Case No. 2008 CV 753 (the 2009 Agreement), which settlement, among other matters, provides that Denver will, upon construction of an expanded reservoir, and payment by Arvada of certain charges, deliver the Contingent Water; and

WHEREAS, Denver has, or will apply for, a Section 404 Clean Water Act permit from the U.S. Army Corps of Engineers to enlarge Gross Reservoir and expand Denver’s Moffat Collection System (the “Project”), which expansion upon completion would result in an increase of the water supply available to Arvada; and

WHEREAS, Arvada and Denver have negotiated an agreement, which is set forth hereto as Exhibit A, whereby Arvada and Denver have agreed to certain terms and conditions, and payments to be made by Arvada, in implementation of, or in conjunction with the prior agreements between the parties, to wit: the 1965 Contract, the 1999 IGA and the 2009 Agreement; and

WHEREAS, Arvada and Denver wish to formalize their agreement concerning Arvada’s participation in the financing of the Project.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARVADA, COLORADO:

Section 1. An Intergovernmental Agreement Between the Denver Water Board and the City of Arvada pertaining to the financing of the Project, in substantially the form

attached hereto is hereby approved, and the Mayor or Mayor Pro-Tem is authorized to sign, in form approved by the City Attorney and attested by the City Clerk, said agreement.

Section 2. This ordinance shall be effective five days after publication, following final passage.

INTRODUCED, READ, AND ORDERED PUBLISHED THIS 5th day of August, 2013

PASSED, ADOPTED, AND APPROVED this 19th day of August, 2013.

Marc Williams, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Christopher K. Daly, City Attorney

Publication Dates: August 8, 2013
August 22, 2013