

**CA-c**

**Meeting Date:** October 9, 2023

**Subject:** Resolution 23-88, a Resolution Approving an Amendment to the Fifth Addendum to the Agreement Between the City of Dacono and Central Weld County Water District Concerning Domestic Potable Water Service.

**Presenter:** Jennifer Krieger, AICP, Interim City Manager

**Background:** By Resolution No. 22-60, the City Council approved a Fifth Addendum to the Agreement with Central Weld County Water District (CWCWD) concerning domestic potable water service.

The Amendment to the Fifth Addendum further reduces the carriage fee charged by CWCWD. The current raw water requirement is 115%, and the proposed Addendum would reduce the requirement to 112%. The 2022 Addendum, approved by the City Council, decreased the charge from 120% to 115%. The additional 3% will help to stretch the City's current water resources portfolio to meet additional demand.

The City's outside counsel for water matters reviewed the Amendment to the Fifth Addendum and finds it does not alter the Fifth Addendum.

**Recommended Action:** Staff is recommending approval of Resolution 23-88.

**RESOLUTION NO. 23-88**

**A RESOLUTION AMENDING THE FIFTH ADDENDUM CONCERNING DOMESTIVE POTABLE WATER SERVICE TO THE AGREEMENT BETWEEN THE CITY OF DACONO AND CENTRAL WELD COUNTY WATER DISTRICT CONCERNING DOMESTIC POTABLE WATER SERVICE**

**WHEREAS**, the District owns, maintains and operates a system for the diversion, supply, storage, and distribution of potable water to the customers of the District for domestic purposes, in the State of Colorado, including the City; and

**WHEREAS**, the City currently receives its potable water supply exclusively from the District for delivery through the City's water delivery system to water users within the City under the Agreement; and

**WHEREAS**, the Parties have previously entered into and executed various addendums to the Agreement; and

**WHEREAS**, the Parties desire to amend the amount of raw water requirements in Section 6 of the Agreement.

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

**Section 1.** The Amendment to the Fifth Addendum is hereby approved in the form that accompanies this Resolution.

**Section 2.** The Mayor is hereby authorized to execute the Amendment to the Fifth Addendum presented to the City in the approved form without further action by the City Council, and is further authorized to negotiate and approve on behalf of the City such revisions to the Addendum as the Mayor and Special Counsel for water matters determines are necessary or desirable for the protection of the City, so long as the essential terms and conditions of the Addendum are not altered.

INTRODUCED, READ, and ADOPTED this 9<sup>th</sup> day of October, 2023.

CITY OF DACONO, COLORADO

\_\_\_\_\_  
Adam Morehead, Mayor

ATTEST:

\_\_\_\_\_  
Valerie Taylor, City Clerk

**ADDENDUM TO AGREEMENT BETWEEN THE CITY OF DACONO AND CENTRAL WELD COUNTY WATER DISTRICT CONCERNING DOMESTIC POTABLE WATER SERVICE**

THIS ADDENDUM TO AGREEMENT BETWEEN THE CITY OF DACONO AND CENTRAL WELD COUNTY WATER DISTRICT CONCERNING DOMESTIC POTABLE WATER SERVICE (the "Addendum") is dated effective as of the 1<sup>st</sup> day of November, 2023 (the "**Effective Date**"), by and between the **CITY OF DACONO** (the "City") and **CENTRAL WELD COUNTY WATER DISTRICT** (the "District"), and amends and supplements the Agreement Between the City of Dacono and Central Weld County Water District Concerning Domestic Potable Water Service dated November 9, 1987 (the "Agreement") between the City and the District. The City and the District may be referred to herein collectively as "the Parties."

**BACKGROUND**

A. The District owns, maintains and operates a system for the diversion, supply, storage, and distribution of potable water to the customers of the District for domestic purposes, in the County of Weld, State of Colorado; and

B. The City receives its potable water supply exclusively from the District for delivery through the City's water delivery system to water users within the City under the Agreement; and

C. The Parties have previously entered into and executed various addendums to the Agreement (the "Previous Addendums"); and

D. The Parties desire to amend the amount of raw water requirements in Section 6 of the Agreement.

**AGREEMENT:**

Now, therefore, in consideration of the foregoing Background provisions and the promises and agreements made in this Addendum, the sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. **Background.** The foregoing Background provisions constitute substantive terms of this Addendum and are incorporated into this Addendum by this reference.

2. **Raw Water Requirements.** The last sentence of the first paragraph of Section 6 of the Agreement, entitled "Raw Water Requirements" is hereby amended as follows: Said CBT or WG water transferred to DISTRICT for treatment and delivery shall be 112% of total water metered at the CITY's master meter(s) and additional water to provide for normal increase in usage and for anticipated new customers.

The remainder of Section 6 of the Agreement shall remain unchanged.

Except as modified by this Addendum, the Parties reaffirm the Agreement and the Previous Addendums.

**IN WITNESS WHEREOF**, the Parties hereto have caused this Addendum to Agreement Between the City of Dacono and Central Weld County Water District Concerning Domestic Potable Water Service to be executed effective the day, month and year first written above.

CITY OF DACONO

ATTEST:

By: \_\_\_\_\_  
\_\_\_\_\_, Mayor

\_\_\_\_\_  
\_\_\_\_\_, City Clerk

CENTRAL WELD COUNTY  
WATER DISTRICT:

ATTEST:

By: James W. Park  
President

[Signature]  
Secretary