



**Background Paper for Proposed
ORDINANCE**

COUNCIL MEETING DATE: January 24, 2022

TO: President Heather Graham and Members of City Council

CC: Nicholas A. Gradisar, Mayor

VIA: Marisa Stoller, City Clerk

FROM: Daniel C. Kogovsek, City Attorney

SUBJECT: AN ORDINANCE APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF PUEBLO, A COLORADO MUNICIPAL CORPORATION AND THE PUEBLO WEST METROPOLITAN DISTRICT, ACTING BY AND THROUGH THE PUEBLO WEST METROPOLITAN DISTRICT'S WATER AND WASTEWATER ENTERPRISE, RELATING TO A WATER LEASE AND STORAGE AGREEMENT ENTERED INTO BY SAID ENTERPRISE AND THE BOARD OF WATER WORKS OF PUEBLO, COLORADO

SUMMARY:

This Ordinance approves and authorizes the Mayor to sign an Intergovernmental Agreement ("IGA") with the Pueblo West Metro District's Water and Wastewater Enterprise ("Enterprise") relating to a Water Lease and Storage Agreement ("Water Lease") entered into by the Enterprise and the Board of Water Works of Pueblo, Colorado ("Pueblo Water").

PREVIOUS COUNCIL ACTION:

Not applicable to this ordinance.

BACKGROUND

Pueblo Water and the Enterprise have entered into a Water Lease pursuant to which Pueblo Water will make available for delivery to Enterprise 1,500 acre-feet of water on an annual basis for a period commencing November 1, 2022 and terminating October 31, 2027. The Water Lease may be renewed for an additional 5-year term upon the written mutual consent of Pueblo Water and the Enterprise.

FINANCIAL IMPLICATIONS

Under the attached IGA, the Enterprise shall collect and pay to the City the amount of \$1,500.00 for every water tap issued by Enterprise during the term of the Water Lease. The Enterprise agrees to make such payments to the City on a quarterly basis, no later than 30 days after the close of each quarter. The City intends to use said funds to promote infill development and the construction of affordable housing within the city limits.

BOARD/COMMISSION RECOMMENDATION:

Not applicable to this ordinance.

STAKEHOLDER PROCESS:

Not applicable to this ordinance.

ALTERNATIVES:

A “no action” alternative would prevent the City from receiving the proposed fees from the Enterprise.

RECOMMENDATION

Approval of the Ordinance

Attachments:

Copy of proposed Ordinance

Proposed Intergovernmental Agreement

ORDINANCE NO. 10114

AN ORDINANCE APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF PUEBLO, A COLORADO MUNICIPAL CORPORATION AND THE PUEBLO WEST METROPOLITAN DISTRICT, ACTING BY AND THROUGH THE PUEBLO WEST METROPOLITAN DISTRICT'S WATER AND WASTEWATER ENTERPRISE, RELATING TO A WATER LEASE AND STORAGE AGREEMENT ENTERED INTO BY SAID ENTERPRISE AND THE BOARD OF WATER WORKS OF PUEBLO, COLORADO

BE IT ORDAINED BY THE CITY COUNCIL OF PUEBLO that:

SECTION 1.

The Intergovernmental Agreement between the City of Pueblo, a Colorado municipal corporation and the Pueblo West Metropolitan District's Water and Wastewater Enterprise, dated February 14, 2022, attached hereto, having been approved as to form by the City Attorney, is hereby approved.

SECTION 2.

The Mayor is hereby authorized to execute said Intergovernmental Agreement for and on behalf of the City and the City Clerk is authorized to affix the seal of the City thereto and attest same.

SECTION 3.

The officers and staff of the City are authorized to perform any and all acts consistent with this Ordinance and the attached Intergovernmental Agreement to implement the policies and procedures described therein.

SECTION 4.

This Ordinance shall become effective on the date of final action by the Mayor and City Council.

Action by City Council:

Introduced and initial adoption of Ordinance by City Council on January 24, 2021.

Final adoption of Ordinance by City Council on February 14, 2022.



President of City Council

Action by the Mayor:

- Approved on February 16, 2022.
- Disapproved on _____ based on the following objections:



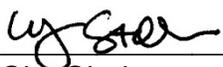
Mayor

Action by City Council After Disapproval by the Mayor:

- Council did not act to override the Mayor's veto.
- Ordinance re-adopted on a vote of _____, on _____
- Council action on _____ failed to override the Mayor's veto.

President of City Council

ATTEST



City Clerk