



**Background Paper for Proposed Ordinance**

**COUNCIL MEETING DATE:** April 25, 2022

TO: President Heather Graham and Members of City Council  
CC: Mayor Nicholas A. Gradisar  
VIA: Marisa Stoller, City Clerk  
FROM: Andra Ahrens, Interim Wastewater Director  
SUBJECT: AN ORDINANCE APPROVING A PROFESSIONAL SERVICES AGREEMENT IN AN AMOUNT NOT TO EXCEED \$54,042 BETWEEN THE CITY OF PUEBLO AND RAFTELIS FINANCIAL CONSULTANTS, INC. FOR THE 2022 FINANCIAL CAPACITY STUDY

**SUMMARY:**

This Ordinance accepts an agreement between the City and our Rate Consultant of Record, Raftelis Financial Consultants, Inc. for professional services associated with providing an update to the 2018 Financial Capacity Report

**PREVIOUS COUNCIL ACTION:**

Resolution No. 13214 awarded an agreement between the City of Pueblo and Raftelis Financial Consultants, Inc., and named Raftelis Financial Consultants, Inc. as the Rate Consultants of Record for the Pueblo Wastewater Department, on April 27, 2015.

**BACKGROUND:**

As part of the selenium and sulfate discharger specific variance conditions, the City of Pueblo must complete an update to the financial capacity report that was submitted as part of the 2018 Regulation 32 Arkansas Basin hearing. The update will be used to determine if the economic conditions are the same in the City of Pueblo as in 2018 or if the City of Pueblo has the financial capacity changed since that time to install treatment for selenium and sulfate. The attached professional services agreement between the City and Raftelis Financial Consultants, Inc. provides for the required financial capacity update for the discharger specific variance.

**FINANCIAL IMPLICATIONS:**

Funding for the professional services related to the financial capacity study are available from the Sewer User Fund.

**BOARD/COMMISSION RECOMMENDATION:**

Not applicable.

**STAKEHOLDER PROCESS:**

Not applicable.

**ALTERNATIVES:**

The no-action alternative would be a violation of the variance and could be enforced on by the Colorado Department of Public Health and Environment.

**RECOMMENDATION:**

Approve

**Attachments:**

An agreement for Professional Services between the City of Pueblo and Raftelis Financial Consultants, Inc. with of the Scope of Work.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE APPROVING A PROFESSIONAL SERVICES AGREEMENT IN AN AMOUNT NOT TO EXCEED \$54,042 BETWEEN THE CITY OF PUEBLO AND RAFTELIS FINANCIAL CONSULTANTS, INC. FOR THE FINANCIAL CAPACITY REPORT

WHEREAS, the Pueblo Wastewater Department operates a Water Reclamation Facility providing municipal wastewater treatment; and

WHEREAS, the Water Quality Control Commission approved the Discharger Specific Variance, June 2018; and

WHEREAS, the City is obligated to comply with the requirements of the Discharger Specific Variance; and

WHEREAS, Raftelis Financial Consultants, Inc. is the rate consultants of record and completed the previous financial capacity evaluation for the City of Pueblo's discharger specific variance for selenium and sulfate, and the most qualified to perform the follow up evaluation of the financial capacity to serve the Pueblo Wastewater Department; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF PUEBLO, that:

SECTION 1.

The Agreement for Professional Services by and between Pueblo, a Municipal Corporation, and Raftelis Financial Consultants, Inc., a true copy of which is attached hereto and incorporated herein by reference (the "Agreement") having been approved as to form by the City Attorney, is hereby approved.

SECTION 2.

Work performed under this Agreement includes review and update the financial capacity of the City of Pueblo used for the discharger specific variance in 2018.

SECTION 3.

Funds for payment for professional services under said Agreement shall be paid from appropriated funds budgeted in the City's 2022 Budget from the Sewer User Fund.

SECTION 4.

The Mayor is authorized to execute and deliver the Agreement on behalf of Pueblo, a municipal corporation, acting by and through its Wastewater Enterprise.

SECTION 5.

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

**SECTION 6.**

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 \_\_\_\_\_.

Final adoption of Ordinance by City Council on \_\_\_\_\_.

\_\_\_\_\_  
President of City Council

**Action by the Mayor:**

Approved on \_\_\_\_\_.

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

ATTESTED BY: \_\_\_\_\_  
City Clerk