

RESOLUTION NO. 2016-

**A RESOLUTION APPROVING THE AMENDED AND RESTATED
INTERGOVERNMENTAL AGREEMENT ESTABLISHING THE
CHATFIELD WATERSHED AUTHORITY AND BYLAWS**

WHEREAS, the Chatfield Watershed Authority was first established in 1993 by an agreement that expired on December 31, 1996 and was subsequently replaced by the Agreement for Continuation of the Watershed Authority, dated March 26, 1997; and

WHEREAS, the Members by prior agreement set forth their goals and objectives in implementing the Chatfield Reservoir Control Regulation heretofore adopted by and amended by the Water Quality Control Commission of the State of Colorado; and

WHEREAS, the Members additionally desire to establish an entity to provide for a regional, coordinated approach to phosphorous and other nonpoint source pollution control in the Chatfield Watershed, including but not limited to providing for the construction, operation, and maintenance of nonpoint control projects, water quality monitoring, and urban runoff and erosion management and control; and

WHEREAS, the Members have determined that the most effective way to continue pursuit of such goals and objectives is to allow the Authority to continue as the designated water quality management agency for the Chatfield Watershed while allowing for the Authority to exercise other powers to implement its purpose and goals; and

WHEREAS, the Members have the authority pursuant to Article XIV, Section 18 of the Colorado Constitution and Sections 29-1-203 and 29-1-204.2, C.R.S., to cooperate or contract with each other to provide any function, service, or facility lawfully authorized to each and to establish a separate governmental entity as a water resource authority; and

WHEREAS, the Members are authorized to own and operate water systems or facilities pursuant to Section 30-20-402(1), C.R.S. (concerning the Members representing counties); Section 31-35-402(1), C.R.S. (concerning the Members representing municipalities), Section 32-1-103(24), C.R.S. (concerning the Members representing water and sanitation districts); and Section 32-1-103(10), C.R.S. (concerning the Members representing metropolitan districts), and as such, may establish an entity as a water resource authority; and

WHEREAS, the Members desire to reestablish the Authority as the successor entity to the Authority as previously organized and as a water resource authority pursuant to Section 29-1-204.2; and

WHEREAS, pursuant to Section 29-1-204.2(8), C.R.S., such a successor entity assumes the same functions, services, systems or facilities and is entitled to all rights and privileges, and assumes all obligations and liabilities of the Authority as previously organized; and

WHEREAS, by the continuation and reorganization of the Authority, the Members wish to continue an agenda for the implementation of the goals and objectives of the Authority as a separate governmental entity through which the Members may prudently plan, provide for, manage, and operate programs, facilities, and structures to address water quality and water quality improvements related to and affecting the Chatfield Watershed.

NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK AS FOLLOWS:

Section 1. Approval. The Amended and Restated Intergovernmental Agreement Establishing the Chatfield Watershed Authority, in the form attached as ***Exhibit 1*** is hereby approved. The Mayor and other proper Town officials are hereby authorized to execute the Agreement by and on behalf of the Town of Castle Rock, Colorado

PASSED, APPROVED AND ADOPTED this ____ day of May, 2016, by the Town Council of the Town of Castle Rock, Colorado, on first and final reading by a vote of ____ for and ____ against.

ATTEST:

TOWN OF CASTLE ROCK

Sally A. Misare Town Clerk

Paul Donahue, Mayor

Approved as to form:

Approved as to content:

Robert J. Slentz, Town Attorney

Mark Marlowe, Utilities Director