

RESOLUTION NO. 2023-059

**A RESOLUTION APPROVING AN INTERGOVERNMENTAL
AGREEMENT BETWEEN THE TOWN OF CASTLE ROCK AND
DOUGLAS COUNTY FOR THE HIGHWAY 85 WASTEWATER
COLLECTION AND TREATMENT SYSTEM**

WHEREAS, C.R.S. § 29-1-203 authorizes local governments to cooperate and contract with one another regarding functions, services and facilities each is authorized to provide; and

WHEREAS, the Town of Castle Rock, acting by and through the Town of Castle Rock Water Enterprise (the “Town”), operates a wastewater collection system and owns wastewater treatment capacity in the Plum Creek Water Reclamation Authority (“PCWRA”) treatment facility to provide retail wastewater service to its customers; and

WHEREAS, the Board of County Commissioners of the County of Douglas (the “County”) desires to utilize American Rescue Plan Act funding to design and construct a wastewater collection and treatment system along the Highway 85 corridor (the “Highway 85 Wastewater Collection and Treatment System” or “System”); and

WHEREAS, the Town has the experienced project engineering and management staff that are needed to help the County construct the System, as well as the operational capacity and experience to own, operate, maintain, and, if necessary, replace the System for the benefit of the future customers of the System in the unincorporated County; and

WHEREAS, the Town is willing to use its project engineering and management expertise to design and construct a System for the County and to give the County full authority to allocate capacity in the System to existing and future customers of the System; and

WHEREAS, the Town and the County believe the System will improve water quality in Plum Creek and Chatfield Reservoir, both of which are drinking water sources for the Town and the County, by eliminating failing wastewater lagoon systems and, eventually, septic systems; and

WHEREAS, the Town and the County believe the System will provide economic benefits that will accrue to both the Town and County by facilitating higher use development along the Highway 85 corridor; and

WHEREAS, the Town and the County believe that the System will help to ensure that all available reusable water supplies are reused within the County to extinction, thereby extending the life of the Denver Basin aquifer; and

WHEREAS, the Town and the County believe that the System will help encourage and enable the future connection of properties along the Highway 85 corridor to renewable water supplies; and

WHEREAS, the Town and the County believe the System will avoid the future proliferation of small, underfunded water and sanitation districts in this part of the County; and

WHEREAS, the Town and the County believe the System will provide opportunities for collaboration in the development of recreational trails and facilities along the Highway 85 corridor, including a trail extending from the Town to Chatfield Reservoir; and

WHEREAS, the Town and the County believe the System will encourage additional regional infrastructure and intergovernmental partnerships that will provide future benefits by creating economies of scale and keeping down costs for all users of water and wastewater in the region; and

WHEREAS, based upon the foregoing reasons, the Town and the County find and determine that it is in the best interests of their respective customers and citizens to enter into an intergovernmental agreement for the Highway 85 Wastewater Collection and Treatment System (the “Intergovernmental Agreement”).

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

Section 1. Approval. The Intergovernmental Agreement between the Town and the County is hereby approved in substantially the same form attached as ***Exhibit 1***, with such technical changes, additions, modifications, deletions, or amendments as the Town Manager may approve upon consultation with the Town Attorney. The Mayor and other proper Town officials are hereby authorized to execute the Agreement and any technical amendments thereto by and on behalf of the Town.

PASSED, APPROVED AND ADOPTED this 2nd day of May, 2023, 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

Lisa Anderson, Town Clerk

Jason Gray, Mayor

Approved as to form:

Approved as to content:

Michael J. Hyman, Town Attorney

Mark Marlowe, Director of Castle Rock Water