

ORDINANCE NO. 2- 2022

AN ORDINANCE APPROVING RENEWAL OF AN INTERGOVERNMENTAL AGREEMENT WITH WATER ACTIVITY ENTERPRISE SPECIAL IMPROVEMENT DISTRICT NO. 6 OF THE RIO GRANDE WATER CONSERVATION DISTRICT TO COVER THE CITY'S MUNICIPAL WELLS IN THE DISTRICT'S ANNUAL REPLACEMENT PLAN(S) PENDING APPROVAL OF THE CITY'S PLAN FOR AUGMENTATION

WHEREAS, the City of Alamosa's water supply is provided by several municipal wells that are subject to the Rules Governing the Withdrawal of Groundwater in Water Division No. 3 (the Rio Grande Basin) and Establishing Criteria for the Beginning and End of the Irrigation Season in Water Division No. 3 for all Irrigation Water Rights (Sept. 3, 2015) as they now exist or as they may be changed in the future ("Groundwater Use Rules"); and

WHEREAS the Groundwater Use Rules require the City to replace injurious depletions to surface streams and to ensure the sustainability of the aquifer from which its wells withdraw water; and

WHEREAS, in order to meet the requirements of the Groundwater Use Rules the City has filed an application for approval of a plan for augmentation in the water court for Water Division 3; and

WHEREAS, pursuant to the Groundwater Use Rules the City may operate its wells pursuant to a substitute supply plan or by inclusion within the annual replacement plan of a subdistrict pending diligent pursuit of approval of a plan for augmentation; and

WHEREAS, the City currently has in place a contract with Subdistrict 6 for inclusion of the City's wells in the Water Activity Enterprise Special Improvement District No. 6 of the Rio Grande Water Conservation District, which contract runs through the end of March, 2022; and

WHEREAS, the inclusion of the City's wells in the annual replacement plan of the Water Activity Enterprise Special Improvement District No. 6 of the Rio Grande Water Conservation District (the "Subdistrict") by contract has benefited both parties, and executing another contract on the same terms and conditions, running through March 31, 2024, will continue that benefit; and

WHEREAS: Article XIV, Section 18 of the Colorado Constitution and C.R.S. Section 29-1-201, *et seq.*, encourage, permit and authorize intergovernmental agreements to accomplish mutually beneficial objectives such as shared firefighting capability; and

WHEREAS the City and the Subdistrict deem it advisable to enter into a contract to include the City's municipal wells in the Subdistrict's annual replacement plan for plan years 2022 and 2023;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Alamosa as follows:

Section 1. Approval of Intergovernmental Agreement. The Intergovernmental Agreement attached to this Ordinance is hereby adopted and approved, and the Mayor is directed to execute the Agreement on behalf of the City of Alamosa.

Section 2. General Repealer. All other acts, orders, ordinances, resolutions, or portions thereof in conflict with the sections adopted in this Ordinance, are hereby repealed to the extent of such conflict.

Section 3. Recording and Authentication. This ordinance, immediately upon its passage, shall be authenticated by the signatures of the Mayor and City Clerk, recorded in the City book of Ordinances kept for that purposes, and published according to law.

Section 4. Publication and Effective Date. This ordinance shall take effect ten (10) days after publication following final passage. Publication both before and after final passage shall be by the title of this ordinance, which Council determines constitutes a sufficient summary of the ordinance, together with the statement that the full text of the ordinance is available for public inspection and acquisition on the City's website and in the office of the City Clerk.

Section 5. NON-Codification. The City Clerk is directed to ensure that the provisions of this ordinance **ARE NOT** codified in the *Code of Ordinances of the City of Alamosa*.

Section 6. Declaration of Public Interest. This ordinance is necessary to preserve the peace, health, safety, welfare, and to serve the best interest of the citizens of the City of Alamosa, Colorado.

INTRODUCED, READ AND APPROVED on first reading the 19th day of January, 2022, and ordered published by title and reference as provided by law with notice of a public hearing to be held for consideration of the adoption of said ordinance on the 2nd day of February, 2022, at 7:00 p.m., or as soon thereafter as the matter may be heard, or on such subsequent date to which the public hearing or Council consideration may be continued.

APPROVED, AND ADOPTED after public hearing the 2nd day of February, 2022.

CITY OF ALAMOSA

By _____
Ty Coleman, Mayor

ATTEST: _____
Holly C. Martinez, City Clerk