

**RESOLUTION OF
THE BOARD OF DIRECTORS OF
GREEN MOUNTAIN WATER AND SANITATION DISTRICT**

A Resolution to Increase Public Input to Intergovernmental Agreements for Extra-Territorial Service

At a regular meeting of the Board of Directors of the Green Mountain Water and Sanitation District, Jefferson County, Colorado, held at 6:00 P.M., on DAY, MONTH DATE, 2021, at Green Mountain Water and Sanitation District, 13919 West Utah Avenue, Lakewood, Colorado, at which a quorum was present, the following resolution was adopted:

WHEREAS, the Green Mountain Water and Sanitation District (the “District”) is a quasi-municipal corporation and political subdivision of the State of Colorado and a duly organized and existing special district pursuant to Title 32, Colorado Revised Statutes; and

WHEREAS, pursuant to Section 32-1-1001, C.R.S., the Board of Directors of the District (the “Board”) is authorized to enter into contracts and agreements affecting the affairs of the special district, to have the management, control, and supervision of all the business and affairs of the special district as defined in Title 32 and all construction, installation, operation, and maintenance of special district improvements, and to appoint, hire, and retain agents, employees, engineers, and attorneys; and

WHEREAS, all the Board may adopt, amend, and enforce bylaws and rules and regulations not in conflict with the constitution and laws of this state for carrying on the business, objects, and affairs of the board and of the special district, and the Board desires to exercise this power efficiently and effectively; and

WHEREAS, Green Mountain Water and Sanitation District (the “District”) staff and agents, employees, engineers, and attorneys must receive authorization before taking action on new agreements, and

WHEREAS, the Board desires the public to have the opportunity to review new District Intergovernmental Agreements that will affect the District; and

WHEREAS, the Board recognizes the District has an obligation to manage its limited capacity for the benefit of its residents; and

WHEREAS, pursuant to §32-1-102 (4), C.R.S. which states: “The general assembly further declares that it is the policy of this state to provide for and encourage the consolidation of special districts and to provide the means therefor by simple procedures in order to prevent or reduce duplication, overlapping, and fragmentation of the functions and facilities of special districts; that such consolidation will better serve the people of this state; and that consolidated districts will result in reduced costs and increased efficiency of operation.”, the Board should consider consolidation or inclusion before executing an IGA;

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE GREEN MOUNTAIN WATER AND SANITATION RESOLVES AS FOLLOWS:

1. That the Bylaws be amended to add a new Section 15. “New Extra-Territorial Intergovernmental Agreement (IGA) Procedures” as follows:

Section 15. New Extra-Territorial Intergovernmental Agreement (IGA) Procedures: At the discretion of the Board, a new Extra-Territorial Intergovernmental Agreement may be entered into with one or more other governmental entities in order to benefit the District and serve the public good. This Procedure shall include the following steps:

1. All entities seeking to enter into an IGA for water and/or sewer service through, with, or by the District will have first applied for and received a Will Serve Letter from the District.
 2. All entities seeking to enter into an IGA for extra-territorial service will provide a written justification why an IGA is in the best interests of both Districts, above and beyond a consolidation process. Such justifications may include, but are not limited to, a business case study as to how the IGA would benefit the GMWSD constituents. Any studies of this nature shall be paid for by the proposing governmental entity
 3. A public hearing shall be held, with 30 days’ notice, to collect public comment and formulate a District policy regarding provision of additional service outside the District boundary.
 4. An IGA for extra-territorial service shall only be completed with written authorization for connections and/or services from concerned third parties, including, but not limited to Metro Wastewater.
 5. Tributary systems, dependent extra-territorial IGAs or third-party beneficiaries shall not be considered.
 6. Any proposed IGA shall receive a second opinion reviewed by an independent attorney and/or District Manager, in addition to the District’s counsel. Any costs for such review are to be paid for by the proposing governmental entity.
 7. Any proposed IGAs for extra-territorial service are subject to Board approval, which may vote only after public notice has been posted to the District website 30 days in advance of the vote.
 8. An affirmative four-fifths (4/5) vote shall be required to pass an extra-territorial IGA.
 9. At any time prior to execution, the GMWSD Board reserves the full right to reject the IGA with or without a reason given.
- .
2. **REPEALER.** This Resolution supersedes and replaces all previous Intergovernmental Agreement (IGA) for Extra-Territorial Service resolutions, if any.

Whereupon, a motion was made and seconded, and upon a majority vote this Resolution was approved by the Board.

ADOPTED AND APPROVED THIS XXth DAY OF XX, 2021.

**GREEN MOUNTAIN WATER AND
SANITATION DISTRICT**

Adrienne Hanagan, President

ATTEST:

Alex Plotkin, Secretary

DRAFT