

RESOLUTION NO. 46-2008

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY MANAGER TO EXECUTE A MODIFIED AND RESTATED AGREEMENT BETWEEN THE CITY OF MILWAUKIE AND CLACKAMAS RIVER WATER (CRW) TO PURCHASE SURPLUS WATER.

WHEREAS, ORS 190.003 to 190.110 authorizes units of local government to enter into intergovernmental agreements for the performance of their duties or for the exercise of powers conferred upon them, and ORS 264.310 expressly authorizes agreement for the sale of surplus water; and

WHEREAS, the City and Clackamas River Water District (CRW) entered into an agreement in 1997 for the City to purchase water for a twenty year period through June 30, 2017. CRW and the City each determined that it has been in the best interests of their rate payers that an amended Agreement for the sale of surplus water be negotiated and agreed to at this time; and

WHEREAS, both parties have benefited from the Original Agreement and will benefit from this amended Agreement. The needs and circumstances of the City have changed causing the parties to amend the terms and conditions of the original Agreement as provided in this amended Agreement; and

WHEREAS, the parties have determined that it is in the best interests of rate payers for the parties to enter into contracts for the purchase and sale of water for emergency and backup purposes. The parties agree that the execution of a long term Agreement for the sale of water between the City and CRW will provide greater likelihood of a water supply being available to both the City and CRW for an emergency or backup situation; and

WHEREAS, the amended Agreement would reduce the City's minimum payment requirements for each of the next nine years while continuing to allow the City to draw water for emergency or non-emergency reasons to the minimum amounts required by the Agreement, with the City receiving a credit against the charges for such draws based upon CRW's normal retail rates charged to its customers; and

WHEREAS, the City may draw additional emergency water billed at a rate of two times CRW's wholesale rate in effect immediately prior to the emergency draw by the City; and

WHEREAS, the amended Agreement settles all claims that either party has against the other under the terms of the original Agreement.

NOW, THEREFORE, BE IT RESOLVED that the City of Milwaukie authorizes the City Manager to execute a Modified and Restated agreement between the City of Milwaukie and Clackamas River Water (CRW) to purchase surplus water.

Introduced and adopted by the City Council on May 20, 2008.

This resolution is effective on 5/20/08.



James Bernard, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Schrader Ramis PC



Pat DuVal, City Recorder



City Attorney

Document5 (Last revised 09/18/07)