

DENVER BOARD OF WATER COMMISSIONERS

Meeting Date: January 10, 2013

Board Item: V-E-2

Waiver and Refund Agreement with the City of Arvada Contract # 14747A

Action by Consent

Action

Information

In 1982, the Board entered into the Metropolitan Water Development Agreement ("Metro Agreement") with several dozen suburban water providers, including Arvada, to provide financing for a system-wide environmental impact statement necessary for the Board to pursue water supply projects. In 1984, Arvada and 40 other metropolitan area water providers entered into the Platte and Colorado River Storage Projects Participation Agreement ("Platte Agreement"), which was intended to finance the permitting and eventual construction of the Two Forks Reservoir project. In 1990, the Environmental Protection Agency vetoed the permit for Two Forks Reservoir, and in 1992, the Board suspended work on the Two Forks Project. No further activity under either the Metro or the Platte Agreement has occurred since 1992.

Under a 1999 Intergovernmental Agreement, Arvada will contract for 3,000 acre feet of water supply from the expansion of the Moffat Collection System. Arvada and Denver Water agree that it is time to eliminate any lingering impact of the Metro and Platte Agreements and concentrate their efforts on the permitting process for the Moffat Project. Under the Waiver and Refund Agreement, Arvada and the Board terminate the Metro and Platte agreements and relinquish any potential claims under the agreements. The Board will pay to Arvada \$142,888, an amount equivalent to Denver Water Trust payments made by Arvada under the Platte Agreement. Similar waiver provisions have been included in "new" distributor contracts and in permanent fixed-amount contracts since 1994. The Arvada City Council approved this agreement in December.

Recommendation:

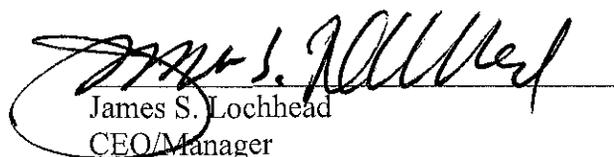
It is recommended that the Board approve the Waiver and Refund Agreement with the City of Arvada.

Approvals:

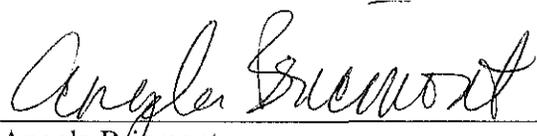
Respectfully submitted,



Patricia Wells
General Counsel



James S. Lochhead
CEO/Manager



Angela Brimont
Director of Finance