

## RESOLUTION NO. 2025-51

### A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL ESTABLISHING AN AMOUNT OF EFFLUENT/RECLAIMED WATER TO BE RELEASED INTO THE RIO DE FLAG SUBJECT TO ADVANCED WATER PURIFICATION TECHNOLOGICAL OPTIONS, REGULATIONS, AND AVAILABILITY

#### RECITALS:

WHEREAS, the City is an Arizona municipal corporation and has all necessary powers, express and implied, under state law as well as City Charter and City Code to operate parks, waterworks, wastewater reclamation facilities, and other facilities; and

WHEREAS, the Arizona Game and Fish Department has statewide responsibility for managing, conserving and enhancing wildlife habitat, as well as securing access to public lands; and

WHEREAS, pursuant to A.R.S. § 9-240(5) a municipality may provide infrastructure for wastewater management, treatment and purification; and

WHEREAS, the Flagstaff City Code Section 7-02 pursuant to A.R.S. § 9-511 authorizes the City to engage in the business of a utility, including the reception and treatment and purification of wastewater, and to provide for the discharge and reuse of effluent/reclaimed water for various purposes; and

WHEREAS, the City entered into an agreement with Arizona Game and Fish Department in 2010 (which is attached hereto) that commits the City to release a “weekly hourly average of 200 gallons per minute of reclaimed wastewater” for a term of 20 years, with terms and conditions, including:

- o a minimum weekly hourly average of 100 gallons per minute (GPM) from Wildcat Hill Wastewater Treatment Facility into the Rio de Flag near Picture Canyon, for the purposes of wildlife habitat enhancement;
- o a minimum weekly hourly average of 100 GPM from the Rio de Flag Wastewater Treatment Facility into the Rio de Flag near the I-40 wetlands (as it is commonly known), for the purposes of wildlife enhancement;
- o a weekly hourly average of 50 GPM (of the 200 GPM commitment) into Frances Short Pond, when available to maintain sufficient water levels during summer months; and

WHEREAS, The City also agreed with the Arizona Game and Fish Department to other terms in the 2010 agreement including:

- o the granting of public access adjacent to the release point of the effluent/reclaimed water at Wildcat Hill Wastewater Treatment Facility for a Watchable Wildlife open space park;
- o the provision of a annual report of effluent/reclaimed water rates upon request of the Arizona Game and Fish Department;
- o the responsibility to obtain permits including the Arizona Pollution Discharge Elimination System permit and meeting all monitoring requirements;

- o the commitment by the City will not convey any ownership interest in the effluent/reclaimed water on any basis [see Paragraph 2(E) of the attached agreement]; and

WHEREAS, the end of that 20-year period is near and the City recognizes the community benefit of preserving and enhancing riparian and wildlife areas; and

WHEREAS, consistent with the regulations of the Arizona Department of Environmental Quality (ADEQ), the City of Flagstaff produces high quality effluent/reclaimed water at its two water reclamation plants which is used for various purposes subject to advanced water purification technological options, regulations, and availability; and

WHEREAS, the City of Flagstaff wishes to continue the release of effluent/reclaimed water to locations herein upon the expiration of the 2010 agreement with Arizona Game and Fish Department subject to advanced water purification technological options, regulations, and availability; and

WHEREAS, the City of Flagstaff recognizes the continued benefits that a dedicated release of effluent/reclaimed water at the locations or outfalls mentioned above and in the attached agreement for purposes of preserving and enhancing riparian and wildlife area; and

WHEREAS, the City of Flagstaff recognizes that the release of effluent/reclaimed water requires that each release point or outfall be permitted and monitored for water quality pursuant to the permit conditions set forth by ADEQ; and

WHEREAS, the City has determined it is feasible to continue the current amounts of released effluent/reclaimed water for the purposes of preserving and enhancing riparian and wildlife areas.

**ENACTMENTS:**

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:**

SECTION 1. In General.

Subject to advanced water purification technological options, regulations, and availability, the City of Flagstaff will continue to release effluent/reclaimed water, beyond the expiration of the attached agreement with the Arizona Game and Fish Department, for the purposes of preserving and enhancing riparian and wildlife areas as follows:

- a. A weekly hourly average of 200 gallons per minute (GPM) of effluent/reclaimed water;
- b. A minimum weekly hourly average of 100 GPM from Wildcat Hill Wastewater Treatment Facility into the Rio de Flag near Picture Canyon;
- c. A minimum weekly hourly average of 100 GPM from the Rio de Flag Wastewater Treatment Facility into the Rio de Flag near what is commonly known as “the I-40 wetlands;”

- d. A weekly hourly average of 50 GPM (of the 200 GPM commitment) into Frances Short Pond, when available to maintain sufficient water levels during summer months;
- e. The granting of public access adjacent to the release point of the effluent/reclaimed water at Wildcat Hill Wastewater Treatment Facility for a Watchable Wildlife open space park;
- f. The provision of an annual report of effluent/reclaimed water rates upon request of the Arizona Game and Fish Department;
- g. the responsibility to obtain permits including the Arizona Pollution Discharge Elimination System permit and meeting all monitoring requirements.
- h. the commitment that the City will not convey any ownership interest in the 200 GPM of effluent/reclaimed water on any basis.
- i. The willingness of the City to consider providing additional effluent/reclaimed water or reclaimed water release points/outfalls for the purposes of preserving and enhancing riparian and wildlife areas, to be designated subject to advanced water purification technological options, regulations, and availability.

SECTION 2. Effective Date.

This resolution shall be immediately effective upon adoption.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 7th day of October, 2025.

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MAYOR

ATTEST:

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CITY CLERK

APPROVED AS TO FORM:

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CITY ATTORNEY

Exhibits:

Exhibit A – Bow and Arrow Park Agreement