

RESOLUTION NO. R23-16

A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING AND DIRECTING THE ENTERING INTO AN INTERGOVERNMENTAL AGREEMENT FOR M&I FIRMING BETWEEN THE ARIZONA WATER BANKING AUTHORITY, AN AGENCY OF THE STATE OF ARIZONA (“AWBA”), AND THE CITY OF GLENDALE, A MUNICIPAL AND INDUSTRIAL (“M&I”) SUBCONTRACTOR OF THE CENTRAL ARIZONA WATER CONSERVATION DISTRICT (“CAWCD”).

WHEREAS, the CAWCD’s diversions from the Colorado River are subject to reductions during the interim Period pursuant to Section 2.D of the *Colorado River Interim Guidelines for Lower Basin Shortages and Coordinated Operations for Lake Powell and Lake Mead* and pursuant to Section III.B.1 of the Lower Basin Drought Contingency Operations (“LBOps”), Exhibit 1 to the Lower Basin Drought Contingency Plan Agreement (“LBDCP”); and

WHEREAS, the AWBA has accrued or acquired long-term storage credits (“Credits”) that are intended to be distributed to CAWCD or to M&I subcontractors “to the extent necessary to meet the demands of M&I subcontractors during times in which CAWCD’s diversions from the Colorado river have been or will be disrupted by shortages on the Colorado river or by disruptions in the operation of the [CAP],” pursuant to Arizona Revised Statutes § 45-2457(B)(7); and

WHEREAS, the AWBA adopted the AWBA Policy Regarding the Distribution of Long-Term Storage Credits for Firming CAP Municipal and Industrial Subcontractors (“M&I Firming Policy”) to assist with Arizona’s implementation of the LBDCP on March 4, 2019. Through 2026, the AWBA will distribute Credits to meet all reductions to CAP M&I subcontractors for scheduled M&I Priority water due to shortage reductions or required Drought Contingency Plan (“DCP”) Contributions. The AWBA will use the operating experience gained during this period to inform future AWBA policies on Credit distribution; and

WHEREAS, M&I subcontractors may enter into a firming agreement with the AWBA to request a direct distribution of AWBA Credits for firming purposes pursuant to A.R.S. § 45-2457(B)(7); and

WHEREAS, the Parties desire to enter into this M&I Firming IGA to establish an annual process to implement the direct transfer of Credits for this purpose.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GLENDALE as follows:

SECTION 1. That it is deemed in the best interest of the City of Glendale and the citizens thereof for the City of Glendale to enter into the nonbinding Intergovernmental Agreement with Arizona Water Banking Authority (“AWBA”) for M&I Firming.

SECTION 2. That the City Manager or designee and the City Clerk are authorized and directed to execute and deliver any and all documents necessary to effectuate said Intergovernmental Agreement on behalf of the City of Glendale.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Glendale, Maricopa County, Arizona, this 28th day of February, 2023.

Mayor Jerry P. Weiers

ATTEST:

Julie K. Bower, City Clerk (SEAL)

APPROVED AS TO FORM:

Michael D. Bailey, City Attorney

REVIEWED BY:

Kevin R. Phelps, City Manager