

F. ANN RODRIGUEZ, RECORDER
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PIMA CO CLERK OF THE BOARD
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RESOLUTION AND ORDER NO. 2003 - 286

**RESOLUTION BY THE PIMA COUNTY BOARD OF SUPERVISORS
APPROVING AND AUTHORIZING AN INTERGOVERNMENTAL
AGREEMENT BETWEEN PIMA COUNTY AND THE CITY OF
TUCSON FOR TREATING AND WHEELING RECLAIMED WATER
("WHEELING AGREEMENT").**

WHEREAS, The Wheeling Agreement set forth herein is made pursuant to the provisions of the City of Tucson-Pima County Supplemental Intergovernmental Agreement Relating to Effluent No. 01-30-T-127199-0200 effective March 14, 2000 ("Supplemental IGA"), the Intergovernmental Agreement between the City and the County, Contract Number 01-05-T-122738-0997, recorded on June 20, 1997 ("Kino Sports Park Effluent Agreement"), the June 26, 1979 Intergovernmental Agreement between the City and the County Providing for the Transfer of the City Sewerage System and the Disposition of Effluent ("1979 IGA"), and other applicable laws of the State of Arizona, the City of Tucson, and Pima County; and

WHEREAS, The City of Tucson and Pima County are empowered by A.R.S. § 11-951 *et seq.* to enter into this Wheeling Agreement; and

WHEREAS, The City of Tucson is engaged in the development and operation of a Reclaimed Water system pursuant to the laws of the State of Arizona, involving the conveyance of Reclaimed Water; and

WHEREAS, Pima County is engaged in the operation of wastewater treatment facilities that produce secondarily treated Effluent, a portion of which is delivered to the City Reclaimed Water system; and

WHEREAS, The County is entitled to certain Effluent in accordance with the 1979 IGA and the Supplemental IGA and intends to wheel a portion of County Reclaimed Water through the City Reclaimed Water system; and

WHEREAS, Effluent is available to the County at the Metropolitan Area treatment facilities, the Ina Road Water Pollution Control Facility (WPCF), the Roger Road Wastewater Treatment Plant (WWTP), and the Randolph Park Water Reclamation Facility (WRF) pursuant to the provisions of the 1979 IGA and the Supplemental IGA; and

WHEREAS, Section 9 of the Kino Sports Park Effluent Agreement provides as follows: "The rate to be paid for reclaimed water delivered to Kino for Phases I and II shall be the same as the rate established in the Tucson Code for all users of reclaimed water." Funds paid by Pima County for Kino Sports Park Effluent during the period of time between the adoption of the Supplemental IGA and the operation of the Randolph Park WRF will be credited against the outstanding capital costs of the reclaimed water delivery pipeline to

Kino. Exhibit G of the Supplemental IGA identifies this allocation of funds for reclaimed water that was delivered to Kino through January 2000. Exhibit C of this agreement further details the allocation of these funds for reclaimed water that has been delivered to Kino through February 2002; and

WHEREAS, Subsection 11.3 of the Supplemental IGA provides as follows: "The City agrees to produce, from County Effluent, and deliver County Reclaimed Water in existing City production and delivery facilities on an Interruptible As Available basis, and to charge the County for these services at the Environmental Rate"; and

WHEREAS, Subsection 12.2 of the Supplemental IGA provides that: "During the Initial Delivery Period, up to an average of 1,000 acre feet per year of Reclaimed Water from Randolph Park Plant, as requested by the City, shall be made available to the City for use on the Randolph Park golf courses and Reid Park and in the City Reclaimed Water system. After the Initial Delivery Period, up to an average of 740 acre feet per year of reclaimed water from the Randolph Park Plant, as requested by the City, shall be made available to the City for use on the Randolph Park golf courses and Reid Park" Subsection 12.3 allows for: "The balance of the Reclaimed Water produced by the Randolph Park Plant may be put to Public Use by the County. The City agrees to wheel the County Reclaimed Water produced by the Randolph Park Plant in existing City delivery pipelines at a fee based on the average operating expenses of the Reclaimed Water distribution system"; and

WHEREAS, Pima County is the owner of certain property located in Pima County, Arizona, including: the Kino Sports Park Complex; Kino Hospital; the Juvenile Detention Facility; the Kino Ecosystem Restoration Project ("KERP"); and other properties immediately adjacent to the Kino Sports Complex (all collectively referred to as "Kino") at the intersection of Ajo Way and Country Club Road. (See Attachment I: Map of Kino Properties); and

WHEREAS, Pima County is the owner of certain other properties, including various parks and recreational facilities, located in Pima County, Arizona; and

WHEREAS, the County desires to operate an on-site Reclaimed Water distribution system at Kino for Public Uses as provided in the Supplemental IGA; and

WHEREAS, Kino is currently receiving Non-Interruptible Reclaimed Water service at the Commodity Rate pursuant to the Kino Sports Park Effluent Agreement and the Supplemental IGA. The City will continue providing Non-Interruptible Reclaimed Water service to Kino at the Commodity Rate as provided in the Kino Sports Park Effluent Agreement and the Supplemental IGA until the Randolph Park WRF is in operation and delivering water to the City in excess of the County delivery responsibilities under Section 12.2 of the Supplemental IGA. Section 12.3 of the Supplemental IGA governs the wheeling of County Reclaimed Water from the Randolph Park WRF by the City to Kino, and Exhibit G of the Supplemental IGA provides a methodology for the allocation of funds paid for the Capital Costs associated with the installation of the Kino pipeline; and

NOW, THEREFORE, be it resolved by the Pima County Board of Supervisors as follows:

Section I. The aforementioned Wheeling Agreement regarding the terms, conditions and responsibilities of the City and the County for the treatment of the County's Effluent and the conveyance and delivery of County and other Reclaimed Water to the County pursuant to Subsections 11.3 and 12.3 of the Supplemental IGA, attached hereto, is hereby approved.

Section II. The Chair of the Pima County Board of Supervisors is hereby authorized and directed to execute the aforementioned agreement on behalf of Pima County.

Section III. The various County officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this resolution.

PASSED AND ADOPTED BY THE PIMA COUNTY BOARD OF SUPERVISORS
this 16th day of December, 2003.

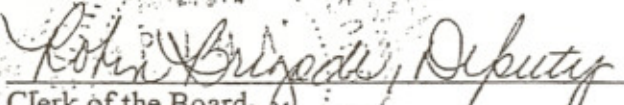
PIMA COUNTY BOARD OF SUPERVISORS



Chair

Dated: DEC 16 2003

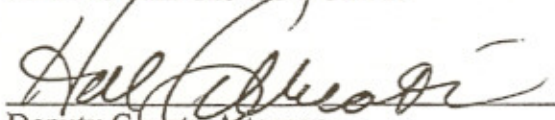
ATTEST:



Clerk of the Board

Dated: DEC 16 2003

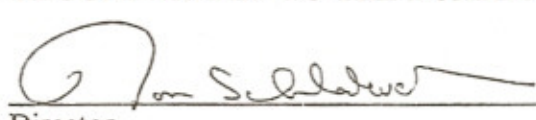
APPROVED AS TO FORM:



Deputy County Attorney

Dated: 2 DEC 03

RECOMMENDED TO THE BOARD:



Director

Dated: 2 Dec 03