TOWN OF TIMNATH, COLORADO
RESOLUTION NO. 3, SERIES 2020

A RESOLUTION APPROVING THE FIRST AMENDMENT TO AGREEMENT BETWEEN SOUTH FORT COLLINS SANITATION DISTRICT AND TOWN OF TIMNATH

WHEREAS, the Town Council of the Town of Timnath (the "Town") pursuant to C.R.S. § 31-15-103, has the power to pass resolutions; and

WHEREAS, attached hereto as Exhibit A is the First Amendment to Agreement Between South Fort Collins Sanitation District and Town of Timnath (the "Amendment"); and

WHEREAS, the Town Council is familiar with the Amendment and finds it to be in the best interest of the Town, its residents, and the general public to enter into the Amendment.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH, COLORADO AS FOLLOW:

Section 1. Approval

The Amendment is hereby approved in substantially the form attached hereto as Exhibit A, with such modifications and additions as the Town Manager, in consultation with Legal Counsel, determines to be necessary and appropriate to protect the interests of the Town or effectuate the purposes set forth herein and not otherwise inconsistent with this resolution.


TOWN OF TIMNATH, COLORADO

[Signature]
Jill Grossman-Belisle, Mayor

ATTEST:

[Signature]
Milissa Peters-Garcia, CMC
Town Clerk
EXHIBIT A

First Amendment
FIRST AMENDMENT TO AGREEMENT BETWEEN SOUTH FORT COLLINS SANITATION DISTRICT AND TOWN OF TIMNATH

THIS FIRST AMENDMENT TO AGREEMENT BETWEEN SOUTH FORT COLLINS SANITATION DISTRICT AND TOWN OF TIMNATH ("First Amendment") is made and entered into this 14th day of January, 2020 ("Effective Date"), by and between SOUTH FORT COLLINS SANITATION DISTRICT, a Colorado quasi-municipal corporation ("District"), and the TOWN OF TIMNATH, a Colorado municipal corporation ("Town") (collectively referred to as the "Parties").

RECIPIALS

A. The Parties previously entered into an Agreement Between South Fort Collins Sanitation District and Town of Timnath dated effective as of February 2, 2005 ("Original IGA").

B. The purpose of the Original IGA was, in part, to provide for cooperative planning between the Parties with respect to the provision of sanitary sewer service by the District to certain areas within the Timnath Service Area as more fully set forth in the Original IGA.

C. Section 4 of the Original IGA provided that, in the event that the District required pre-treatment for sanitary sewer users within the Timnath Service Area, the Town would, to the extent allowed by Colorado law, incorporate pre-treatment requirements into the Timnath Municipal Code for enforcement by the Town.

D. The Parties desire to modify Section 4 of the Original IGA to provide that the District will be delegated sole and exclusive responsibility and authority for the administration and enforcement of its pre-treatment requirements by users of its sanitary sewer system within the Timnath Service Area.

NOW, THEREFORE, for and in consideration of the covenants and obligations expressed herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto agree that the Original IGA is modified as follows:

(HF&G 10/08/19)
1. The Town hereby delegates sole and exclusive authority to the District for the administration and enforcement of the District's pre-treatment requirements by users of the District's sanitary sewer system within the Timnath Service Area.

2. Section 4 of the Original IGA entitled "Enforcement of District Requirements by Town" is hereby amended and restated in its entirety as follows:

   The Town shall require as a condition of issuance of a building permit for new development within the Timnath Service Area, proof that the property has been included in the District and the District's tap fees to serve such construction have been paid to the District. All customers within the Timnath Service Area receiving sanitary sewer service from the District shall be required to comply with all rules, regulations and policies of the District, including, but not limited to, pre-treatment rules, regulations and policies adopted by the District from time to time, which pre-treatment rules, regulations and policies shall be enforced solely and exclusively by the District. In the event the District advises the Town it has a reimbursement agreement affecting certain properties within the Timnath Service Area, the Town shall also assist the District in collection of the reimbursements at the time of development of the affected properties.

3. All capitalized terms used but not defined herein shall have the meaning set forth in the Original IGA and, except as expressly stated herein, the Original IGA shall remain in full force and effect and shall be binding upon the Parties in accordance with its terms. In the event there is a conflict between the terms and provisions of the Original IGA and the terms and provisions of this First Amendment, the terms and provisions of this First Amendment shall control.

   IN WITNESS WHEREOF, the Parties have executed this First Amendment as of the Effective Date set forth above.

   SOUTH FORT COLLINS SANITATION
   DISTRICT, a Colorado quasi-municipal
   Corporation

   By [Signature]

   "District"

   TOWN OF TIMNATH,
   a Colorado municipal corporation

   (HF&G 10/08/19)
By
Name: Jill Grossman-Belisle
Title: Mayor

"Town"