

1 **RESOLUTION NO. 8179**

2
3 A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr. , setting forth
4 the City of Topeka's policy for the sale of water to rural water
5 districts, rescinding Resolution No. 7339.

6 WHEREAS, the City of Topeka owns and operates a municipal water utility; and

7 WHEREAS, the City of Topeka has historically sold water to rural water districts
8 pursuant to negotiated contracts; and

9 WHEREAS, such wholesaling of water to rural water districts provides the
10 opportunity for the City to reinforce the City's water customer base and to stabilize the
11 City's water rate structure.

12 NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Topeka that it
13 supports the sale of water by the City to rural water districts subject to negotiated contracts
14 which contain acceptable terms and conditions.

15 BE IT FURTHER RESOLVED by the Council of the City of Topeka that the
16 following terms and conditions shall be included in any new contracts or amendments to
17 existing contracts between the City and rural water districts which directly relate to the sale
18 of water by the City to rural water districts. Other contracts and amendments not directly
19 related to the sale of water by the City to rural water districts shall not be subject to the
20 following terms and conditions:

21 1. Establishing "reasonable value" of the rural water district's facilities use for
22 transportation or utilization of water distribution to the water district benefit units which may
23 be annexed by the City, as provided for in K.S.A. 12-527 as may be amended;

24 2. Requiring installation of rural water district water distribution and/or

25 transmission mains in accordance with City design standards for those areas which are
26 served by the rural water district and within the City's three mile Extra-Territorial
27 Jurisdiction (ETJ);

28 3. Establishing a minimum water consumption amount;

29 4. Establishing the service areas of both the City of Topeka and the rural water
30 district to clarify who has the responsibility or right to serve new and existing customers;

31 BE IT FURTHER RESOLVED that in the event City administration is unable to
32 reach an agreement with the District regarding any of the terms and conditions above
33 relating to new contracts or amendments to existing contracts between the City and rural
34 water districts which directly relate to the sale of water by the City to rural water districts,
35 then the administration shall obtain the approval of the City Council of the contract or
36 amendment.

37 BE IT FURTHER RESOLVED that the public works department shall, no later
38 than January 31 of each year, submit to the City Council an annual report outlining the
39 current status of all rural water district contracts and amendments for the sale of water
40 by the City to rural water districts and the results of any contract negotiations during the
41 previous calendar year.

42 BE IT RESOLVED that City of Topeka Resolution No. 7339 is hereby specifically
43 rescinded.

44 ADOPTED and APPROVED by the City Council July 14, 2009

45
46
47
48

49
50
51
52
53
54
55
56
57
58
59
60
61

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk