RESOLUTION NO. 8179

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

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

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

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

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

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

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

2. Requiring installation of rural water district water distribution and/or
transmission mains in accordance with City design standards for those areas which are served by the rural water district and within the City’s three mile Extra-Territorial Jurisdiction (ETJ);

3. Establishing a minimum water consumption amount;

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

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

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

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

ADOPTED and APPROVED by the City Council July 14, 2009
CITY OF TOPEKA, KANSAS

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William W. Bunten, Mayor

ATTEST:

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Brenda Younger, City Clerk