



TOWN OF PAGOSA SPRINGS, COLORADO

**ORDINANCE NO. 807
(SERIES 2014)**

**AN ORDINANCE OF THE TOWN OF PAGOSA
SPRINGS APPROVING AN INTERGOVERNMENTAL
AGREEMENT FOR THE FORMATION OF THE
PAGOSA AREA GEOTHERMAL WATER AND
POWER AUTHORITY**

WHEREAS, the Town of Pagosa Springs (“Town”) is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Pagosa Springs Home Rule Charter of 2003, as amended on April 3, 2012; and

WHEREAS, Section 29-1-204.2, C.R.S., authorizes municipalities and any other political subdivisions to establish a water authority; and

WHEREAS, Section 29-1-204, C.R.S., authorizes municipalities to establish power authorities; and

WHEREAS, Sections 29-1-203, C.R.S., authorizes government to cooperate and contract with one another to provide any function, service or facility lawfully authorized to each including the establishment of a separate legal entity for such purposes; and

WHEREAS, §24-65.1-101(2)(b), C.R.S., encourages local governments to administer areas and activities of state interest which includes the use of geothermal resources for the commercial production of electricity; and

WHEREAS, the Town and Archuleta County (“County”) have entered into a Geothermal Energy Development Agreement dated January 14, 2014 for the initial exploration and drilling for geothermal resources (the “Development Agreement”); and

WHEREAS, initial testing performed under the Development Agreement has identified the possible location of a geothermal aquifer within the County; and

WHEREAS, the Town and County desire to enter into an intergovernmental agreement to create a separate authority called the Pagosa Area Geothermal Water and Power Authority to develop a geothermal water and energy plant if sufficient geothermal resources exist so as to ensure a source of geothermal electric power and energy and geothermal water that is reliable, cost-effective, sustainable, and environmentally responsible.



NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, as follows:

Section 1. Incorporation of Recitals. The recitals contained above are incorporated as if resolved and set forth in full.

Section 2. Authorization. The Pagosa Area Geothermal Water and Power Authority Agreement (“Agreement”) between the Town of Pagosa Springs and Archuleta County concerning the creation, formation, operation, finance, power and governance of the Pagosa Area Geothermal Water and Power Authority attached hereto and incorporated herein by this reference, is hereby approved and the Mayor and Clerk of the Town of Pagosa Springs are authorized to execute said Agreement.

Section 3. Participation in Authority. The Town of Pagosa Springs shall participate in the Pagosa Area Geothermal Water and Power Authority in accordance with the terms and conditions of the Agreement.

Section 4. Public Inspection. The full text of this Ordinance, with any amendments, is available for public inspection at the office of the Town Clerk.

Section 5. Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

Section 6. Effective date. This Ordinance shall become effective and be in force immediately upon final passage at second reading.

INTRODUCED, READ, AND ORDERED PUBLISHED BY TITLE ONLY PURSUANT TO SECTION 3.9, B) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE 20th DAY OF MARCH, 2014.

TOWN OF PAGOSA SPRINGS,
COLORADO

By: _____


Ross Aragón, Mayor



Attest:

April Hessman, Town Clerk



FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED BY TITLE ONLY PURSUANT TO SECTION 3.9, D) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS **REGULAR** MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE 1st DAY OF APRIL, 2014.

TOWN OF PAGOSA SPRINGS,
COLORADO

By:

Ross Aragón, Mayor

Attest:

April Hessman, Town Clerk





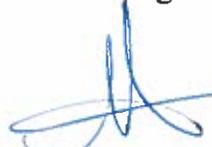
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June Madrid
Archuleta County

CERTIFICATE OF PUBLICATION

I, the duly elected, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. 807 (Series 2014) was approved by the Town Council of the Town of Pagosa Springs on first reading at its **regular** meeting held on the 20th day of March, 2014, and was published by title only, and that the full text of the Ordinance is available at the office of the Town Clerk, on the Town's official website, on Mar 20, 2014, which date was at least ten (10) days prior to the date of Town Council consideration on second reading.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this 2 day of April, 2014.



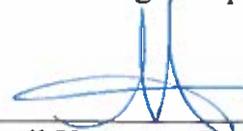
April Hessman, Town Clerk



(S E A L)

I, the duly elected, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. 807 (Series 2014) was approved by the Town Council of the Town of Pagosa Springs on second reading, at its **regular** meeting held on the 1 day of April, 2014, and was published by title only, along with a statement indicating the effective date of the Ordinance and that the full text of the Ordinance is available at the office of the Town Clerk, on the Town's official website, on 2 April, 2014.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this 2 day of April, 2014.



April Hessman, Town Clerk



(S E A L)

Town of Pagosa Springs
P. O. Box 1859
Pagosa Springs, CO 81147