



## MEMORANDUM

P.O. Box 4100 ♦ FRISCO, COLORADO 80443

**TO: MAYOR AND TOWN COUNCIL**  
**FROM: THAD RENAUD, TOWN ATTORNEY**  
**RE: ORDINANCE 24-06, AN ORDINANCE APPROVING A SECOND AMENDMENT TO IGA WITH SUMMIT COUNTY FOR WATER SERVICE AT THE COUNTY COMMONS**  
**DATE: FEBRUARY 27, 2024**

**Summary and Background:** This is a discussion, a public hearing, and potential final action, on second reading, of the attached Ordinance Approving the Second Amendment to the Intergovernmental Agreement for Water Services (at the County Commons). At its meeting on February 28, 2023, the Town Council considered a request from Summit County for a “will serve” letter for water service at its proposed workforce housing development within the Bill’s Ranch Subdivision. In its request letter, the County proposed that “[t]his water service will be made available pursuant to the provisions and requirements of the 2001 Water Service Agreement, and the 2018 First Amendment to the Water Service Agreement, between the Town of Frisco and Summit County.” That 2001 Water Service Agreement, and its 2018 First Amendment, do not, however, currently provide for the Town’s provision of water service at any location outside of the County Commons. Accordingly, after its discussion at the February 28, 2023 meeting, the Town Council directed staff to negotiate and amendment to the Water Service Agreement that would allow for water service provided under the agreement to be used for the requested purpose in the Bill’s Ranch Subdivision, but that would also cause the agreement to become more consistent with the extra-territorial water dedication and use requirements and limitations that were recently established by ordinance of the Town. The attached Second Amendment to Intergovernmental Agreement for Water Services accomplishes those goals.

**Analysis:** The principal changes to the existing IGA for water service at the County Commons that would be caused by the Second Amendment are as follows:

1. Up to 15 EQRs of the EQRs remaining for service under the existing IGA would be allowed to be used within the Bill’s Ranch Subdivision at the site of the proposed workforce housing project;
2. The County would be obligated to immediately (by April 1, 2024) cause the Clinton Ditch and Reservoir Company to transfer to the Town’s ownership all water (ditch company) rights associated with the water taps that have previously been sold and put into service at the County Commons;
3. Going forward, the County will be obligated to cause the transfer of ownership of all water (ditch company) rights associated with a requested water tap, **prior** to the Town’s issuance of the requested tap; and

4. The outdoor use of water at residential property that is served under the agreement would be prohibited, except for the limited hand-watering and vegetation-establishment exceptions allowed under the Town Code.

**Financial Impact:** Approval of the Second Amendment will have no direct financial impact to the Town's budget.

**Alignment with Strategic Plan:** The Second Amendment aligns with Town Council's Quality Core Services goals.

**Environmental Sustainability:** Approval of the Second Amendment will promote environmental sustainability through water conservation.

**Staff Recommendation:** Staff recommends that the Town Council consider approving the attached Ordinance 24-06 on second reading.

**Approved By:**  
Thad Renaud, Town Attorney

**Attachments:** Ordinance 24-06, the Second Amendment to Intergovernmental Agreement for Water Services; the 2001 Intergovernmental Agreement for Water Services, and the 2018 First Amendment to Intergovernmental Agreement for Water Services.