



## Legislation Details (With Text)

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**Title:** Proposed Amendment No. 4 to Water Service Contract with City of Garden City

**Sponsors:** Randal Brown

**Indexes:** General Counsel

**Code sections:**

**Attachments:** 1. Garden City Water Contract Am 4 2022 Ex B

Date	Ver.	Action By	Action	Result
10/26/2022	1	Board of Directors	Approved	Pass
10/26/2022	1	Legal Committee	Recommended for Approval	Pass

### Proposed Amendment No. 4 to Water Service Contract with City of Garden City

Agenda of: October 26, 2022  
Item No.: **2022-474**  
Amount: Revenue Contract

**TO:** The Honorable  
Board of Directors  
Great Lakes Water Authority

**FROM:** Suzanne R. Coffey, P.E.  
Chief Executive Officer  
Great Lakes Water Authority

**DATE:** **October 26, 2022**

**RE: Proposed Amendment No. 4 to Water Service Contract with City of Garden City**

### MOTION

Upon recommendation of Randal Brown, General Counsel, the Board of Directors (“Board”) of the Great Lakes Water Authority (“GLWA”), **authorizes the Chief Executive Officer (“CEO”) to execute Amendment No. 4 to the 30-year water service contract with City of Garden City;** and authorizes the CEO to take such other action as may be necessary to accomplish the intent of this vote.

### BACKGROUND

On 9/26/2022, the Garden City (“Member Partner”) City Council agreed to the terms of Amendment No. 4 (“Amendment”) to its water service contract with GLWA. This Amendment is one of several regularly occurring amendments required by the terms of GLWA’s model 30-year water service contract.

This Amendment incorporates the following changes:

Section 5.06 is deleted. Section 5.06 was known as the “minimum take or pay” clause. Previously, on January 26, 2022, this Honorable Body agreed to the removal of this clause from all member partner contracts because the 60% fixed cost component of the GLWA charge structure eliminates its need.

Exhibit B, attached, is affirmed and/or modified regarding (a) the pressure range at directly metered locations for calendar years 2023 to 2026, (b) the maximum day and peak hour values for calendar years 2023 to 2026, and (c) the projected annual volume for system planning purposes for fiscal years 2024 to 2027.

### **JUSTIFICATION**

Approval of this Amendment provides a mutually beneficial, stable, long-term framework for interactions between GLWA and the Member Partner and incorporates annual system planning volumes, pressures, and maximum day and peak hour values that better reflect future Member Partner usage.

### **BUDGET IMPACT**

The revenues expected to result from this Amendment will be reflected in the FY 2023-2024 schedule of charges.

### **COMMITTEE REVIEW**

This matter is being presented to the Legal Committee for consideration at its meeting on October 26, 2022. The Legal Committee unanimously recommended that the GLWA Board adopt the resolution as presented.

### **SHARED SERVICES IMPACT**

This item does not impact the shared services agreement between GLWA and DWSD.