



REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: August 16, 2017

DEPARTMENT: Utilities

DIVISION: Administration

- ☐ Motion
- ☒ Resolution
- ☐ Ordinance - Introduction
- ☐ Ordinance - Adoption
- ☐ Public Hearing

TITLE:

Agreement Amendment: Lower Colorado River Multi-Species Conservation Program Arizona

SUMMARY RECOMMENDATION:

Authorize the City Administrator to ratify the First Supplement to the Trust and Indenture and Joint Payment Agreement for the Lower Colorado River Multi-Species Conservation Program Agreement which was originally approved by motion, and to execute a Second Supplement to the same Agreement. (Utilities/Administration) (Jay Simonton)

REPORT:

In March 2005, the City Council authorized the City of Yuma to participate in the Lower Colorado River Multi-Species Conservation Program (MSCP) by way of resolution creating a Trust Indenture and Joint Payment Agreement (Trust). The MSCP allows federal, state, local and private agencies to continue to conduct legal activities on the lower Colorado River by providing protection from potential violation of the Endangered Species Act.

The MSCP requires each participating agency to authorize changes to the original agreement. On March 20, 2013, the City Council approved the First Supplement to the Trust by motion in order to create a new Remedial Measures Fund and to authorize and direct a portion of the quarterly transfers from the existing Reclamation Disbursement Fund to the new Remedial Measures Fund. With this resolution, the City desires to ratify the motion as part of the MSCP by resolution.

Additionally, a Second Supplement to the Trust is now required as a result of the United States' Western Area Power Administration's (WAPA) reallocation of a portion of the Hoover power to certain Indian Tribes. As a result of the reallocation, those Tribes will contribute a proportionate share of the related costs. The Second Supplement will authorize an adjustment in the Hoover power portion of the MSCP costs as a result of the Indian Tribe contributions.

This adjustment will only have a financial impact on those Arizona MSCP Parties that receive Hoover power. This includes the City of Yuma who pays monthly sums to WAPA for capacity and energy charges, and who will be impacted by this regulation. This Second Supplement will lower the amount the City pays by a nominal amount.

FISCAL REQUIREMENTS	CITY FUNDS:	\$0.00	BUDGETED:	\$0.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$0.00	IN CONTINGENCY:	\$0.00
	OTHER SOURCES:	\$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP: 421-41-41.6602	
		\$0.00		
		\$0.00		
TOTAL:	\$0.00			
FISCAL IMPACT STATEMENT:				
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK:			
	1. 2. 3. 4. 5.			
ADDITIONAL INFORMATION	IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?			
	<input type="radio"/> Department <input type="radio"/> City Clerk's Office <input type="checkbox"/> Document to be recorded			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Gregory K. Wilkinson		8/8/2017	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files		8/7/2017	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Jay Simonton		8/3/2017		
SIGNATURES	WRITTEN/SUBMITTED BY:		DATE:	
	Beatrice Dorries		7/27/2017	