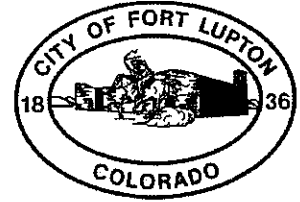


**CITY OF FORT LUPTON
CITY COUNCIL**

Shannon Crespin, Mayor

Bob McWilliams, Ward 3
Louis A. Salas, Ward 2
Debora Yates, Ward 1

Chris Cross, Ward 3
S. David Norcross, Ward 2
Jimmy Dominguez, Ward 1



*Performance, Integrity, Teamwork,
Accountability and Service*

AM 2009-028

**APPROVE PARTICIPATING IN THE COMMUNITIES FOR WATER ASSOCIATION TO SUPPORT
THE NISP PROJECT**

AGR

- I. **Agenda Date:** Council Workshop – May 6, 2009
Council Meeting – May 13, 2009
- II. **Attachments:** Bylaws for the Communities for Water Association.
- III. **Summary Statement:**

The Northern Integrated Supply Project continues to be under scrutiny by an organization called "Save the Poudre". In an effort to show that the fifteen entities that are associated with this project, representing 250,000 citizens will benefit from the satisfactory completion of the project, therefore, the Communities for Water Association has been created. The purpose of the creation is to put a name out for public relations that is more definitively represents the purpose and need for the project to be completed, rather than have the negative spin that is currently being done by the opposition.

- IV. **Fiscal Note:** See Section XI.

Finance Department Use Only


Finance Director

- V. **Submitted by:**


Finance Director

- VI. **Approved for Presentation:**


City Administrator

- VII. **Certification of Council Approval:**

City Clerk

Date

①

VIII. Detail of Issue/Request:

The Northern Integrated Supply Project continues to be under scrutiny by an organization called "Save the Poudre". In an effort to show that the fifteen entities that are associated with this project, representing 250,000 citizens will benefit from the satisfactory completion of the project, therefore, the Communities for Water Association has been created. The purpose of the creation is to put a name out for public relations that is more definitively represents the purpose and need for the project to be completed, rather than have the negative spin that is currently being done by the opposition.

This organization is created strictly for public relations purposes, and will have no additional dues, fees, or other cost related to being a member. The section that talks about payments is for the scheduled NISP participants payments that we currently have scheduled in our capital budget.

IX. Legal/Political Considerations:

None

X. Alternatives/Options:

We can either agree to be represented by this association or not; however the benefits far outweigh the outcome.

XI. Financial Considerations:

No additional funds are required to be included with this association.

XII. Staff Recommendation:

Approve participating in the Communities for Water association to support the NISP project

BYLAWS
OF
COMMUNITIES FOR WATER

ARTICLE I-MEMBERS

1. Members. The Members shall be those fifteen (15) entities listed in the Declaration of Creation of Communities for Water, an unincorporated nonprofit association. Any entity who does not pay its proportionate share of expenses within 60 days of the date payment is due for the development of the Northern Integrated Supply Plan shall be suspended for up to one year as a Member. If the expenses remain unpaid after one year it shall cease to be a Member unless a 2/3 majority vote of the Members in good standing determine otherwise.
2. Member Representatives. Each Member shall appoint one individual representative and one alternate representative to represent that Member by providing the names of such primary and alternate representatives in writing to all other Members. Representatives shall serve at the pleasure of the Member and can be changed by the Member at any time.
3. Vacancy. Any vacancy in the representation of a Member shall be filled by that Member.
4. Powers. Communities for Water shall have all the powers of an unincorporated nonprofit association under law. The Members, acting through their designated Representatives, shall exercise all the powers of Communities for Water.
5. Regular Meetings. Regular meetings of the Members shall be held by mutual consent. No less than 5 days notice of all meetings shall be provided to all Members, stating the agenda for the meeting.
6. Quorum. A quorum of Members shall consist of a 2/3 majority of the Members.
7. Action. Decisions of Communities for Water acting as an association, shall be reached by a 2/3 majority of the Members who are voting. A Member Representative may abstain from voting on a decision.
8. Consent Without Meeting. Any action required or permitted by the Bylaws or any provision of law, to be taken by the Members or any committee thereof, at a meeting or by resolution, may be taken without a meeting if 2/3 of the Members (or committee Members) consent thereto in a writing setting forth the action to be taken. Consent may be transmitted by electronic mail.
9. Meeting by Telecommunication. Any or all of the Members may participate in a meeting, or the meeting may be conducted through the use of, any means of communication by which all individuals participating in the meeting may hear and

speaking to each other during the meeting. An individual participating in the meeting by any of these means is deemed to be present in person at the meeting.

10. Compensation. No Member or Representative shall receive any compensation for any service rendered to or for the Communities for Water.
11. Cooperation. The Members shall work in their common interest, but each Member shall have the right to represent its separate interest as may be required for the conduct of its separate business.

ARTICLE II-OFFICERS

1. Appointment of Officers. The Officers shall be a President and Vice President(s), Treasurer, Secretary and such other Officers as the Members may appoint.
2. Election and Terms. The Members shall elect all Officers for terms of one year, or until their successors are elected and qualified. Officers may serve an unlimited number of consecutive or non-consecutive terms.
3. President. Subject to the control of the Members, the President shall have general supervision, direction and control of the affairs of Communities for Water. The President shall preside at all meetings and shall have such other powers and duties as may be prescribed from time to time by the Members.
4. Vice President. In the absence or disability of the President, any Vice President shall perform all duties of the President, and in so acting shall have such other powers and perform such other duties as may be prescribed from time to time by the Members. The Members may elect more than one Vice President.
5. Removal. All Officers shall serve at the pleasure of the Members and may be removed by the vote of 2/3 of the Members at any time, with or without cause.

ARTICLE III-AMENDMENTS

These Bylaws may be altered, amended, or repealed, or new Bylaws may be adopted, by an affirmative vote of a 2/3 majority of the Members.

ARTICLE IV-COLORADO SUNSHINE LAW

Colorado Law provides in §24-6-402(a) that the meetings of administrative staff of Members are not "a local public body" subject to the open meetings law. If Communities for Water acts as a local public body pursuant to the provisions of the Colorado Sunshine Law, it shall fully comply with such law.

Dated: May ____, 2009.

I, Kathy Peterson, President of Communities for Water, an unincorporated nonprofit association, hereby certify that the foregoing Bylaws were duly and unanimously adopted by the Members of the Association at a meeting held on _____, 2009.

By: _____, President
Dated: May ____, 2009