

RESOLUTION NO. _____

**RESOLUTION APPROVING WEST DES MOINES WATER WORKS
PARTICIPATION IN FURTHER DISCUSSIONS AND EXPLORATION CONCERNING
THE ESTABLISHMENT OF CENTRAL IOWA WATER WORKS**

WHEREAS, the Board of Trustees of the West Des Moines Water Works has a duty to its customers to provide the quantity and quality of water needed for the City of West Des Moines; and

WHEREAS, the fulfillment of this duty requires that the Board of Trustees plan ahead and look at various options for providing the needed quality and quantity of water; and

WHEREAS, the regional area that includes the City of West Des Moines successfully has joined together to provide various services to citizens through regionalization; and

WHEREAS, the regionalization of water source and production has been studied for many years among the regional communities; and

WHEREAS, the Board of Trustees appointed a planning committee to study, analyze and recommend a way to provide the needed quality and quantity of water to the citizens of West Des Moines and the customers of West Des Moines Water Works both now and in the future; and

WHEREAS, the Planning/Regionalization Committee of the Board of Trustees of West Des Moines Water Works is recommending that the full Board vote in favor of continuing discussions and exploration of creating Central Iowa Water Works, a proposed regional water source and production entity that would serve metro area communities; and

WHEREAS, the proposed structure will allow West Des Moines Water Works to retain its staff, continue to own and maintain its distribution system and control water pricing for its customers while having a vote in all decisions regarding source water, new treatment plant construction and wholesale pricing; and

WHEREAS, the the next step in the discussions is negotiation of an agreement for the creation and funding of Central Iowa Water Works; and

WHEREAS, the Board of Trustees believes that it is in the best interest of the citizens of West Des Moines and the customers of West Des Moines Water Works, and in fulfillment of its fiduciary duty to those citizens and customers to participate as a founding agency to continue with the discussions; and

WHEREAS, the Board of Trustees considers it desirable to explore establishing, with other water utilities and governmental entities, a shared regional system of drinking water supply production facilities under regional governance to meet all of its existing and future needs for safe, reliable, abundant, and reasonably priced drinking water to be distributed to its customers; and

WHEREAS, certain existing water supply utilities in Central Iowa have defined a framework for the organization of a new regional water authority as a separate public entity created under Chapter 28E and Chapter 28F, Iowa Code, to be known as the "Central Iowa Water Works" to act as a regional water wholesale production and supply authority under terms and conditions as set forth in the Regionalization Outcomes Document as issued in April, 2021 and revised in November, 2021 attached hereto as Exhibit A (the "Outcomes Document"); and

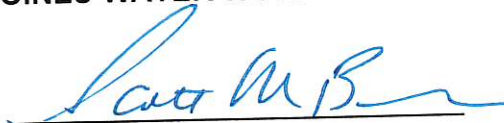
WHEREAS, West Des Moines Water Works, desires to participate as a founding agency of the Central Iowa Water Works as described in the Outcomes Document, subject to certain terms and contingencies.

NOW, THEREFORE IT IS HEREBY RESOLVED, that West Des Moines Water Works shall be, and agrees to become, a founding agency of the Central Iowa Water Works on the terms as generally described in the Outcomes Document, **subject to the following:**

- A. Participation as a founding agency shall be subject to the preparation of a form of Agreement under Chapter 28E and Chapter 28F of the Iowa Code that is in all material respects consistent with the Outcomes Document and acceptable in form and substance to the West Des Moines Water Works Board of Trustees and its counsel; and
- B. Participation as a founding agency shall be contingent upon, and shall be effective only if, water supply agencies representing a "critical mass", defined as a substantial majority of the average total annual water consumption of the Des Moines Metropolitan Area, execute this CIWW Founding Resolution by March 31, 2022; and
- C. Participation as a founding agency shall be contingent upon the execution, delivery, and filing with the Iowa Secretary of State of a 28E-28F Agreement by the requisite agencies meeting condition B above on or before September 30, 2022.

PASSED AND APPROVED this 26th day of January 2022.

BOARD OF TRUSTEES, WEST DES MOINES WATER WORKS



Scott Brennan
Chair

Attest:



Christina Murphy
Secretary