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MEMO

Date: December 10, 2025
To: Board of Directors
From: General Manager – Dale Mancino

Re: Immediate Action Item – First Amendment to Water Treatment Plant Dedicated-Capacity Contract (Discussion/Action)

Summary of Request:

Staff is requesting that the Board determine there is a need to take immediate action and vote to add an item to today's agenda pursuant to Government Code §54954.2(b)(2). The item concerns approval of the First Amendment to the Water Treatment Plant Dedicated Capacity Contract, specifically modifying Section 10 ("Term of Contract") to change the written notice of termination requirement from one year to six months.

Background:

The existing Dedicated Capacity Contract requires that any party intending to terminate the agreement provide one-year prior written notice. Under this provision, the termination notice would fall on February 11, 2026.

Centerville and Clear Creek must enter into a new contract to replace the existing agreement. Reducing the termination notice period to six months will provide both agencies sufficient time to develop, review, and adopt the new contract in coordination with the revised timeline. The proposed First Amendment accomplishes this by amending Section 10 to shorten the notice period to six months.

Reason for Immediate Action:

The agenda for this meeting was posted prior to staff's realization that Board approval of the First Amendment needed occur this month. Centerville placed the item on their Board agenda for approval on December 17. Timely approval would avoid delay or jeopardize the coordinated development of the new agreement.

Because the realization for Board action arose after the agenda was posted, and because a delay would adversely affect the contracting timeline for all participating agencies, staff finds that the criteria under Government Code §54954.2(b)(2) are met.

Recommended Action:

- Determine that there is a need to take immediate action on the First Amendment to the Water Treatment Plant Dedicated Capacity Contract and that the need for action came to the District's attention after the agenda was posted.
- By a two-thirds vote, or by unanimous vote if fewer than two-thirds of Board members are present, add the item to today's agenda.
- Upon successful addition of the item, approve the First Amendment modifying Section 10 to change the termination notice requirement from one year to six months.