



City of Trinidad, Colorado
1878

CITY OF TRINIDAD
TRINIDAD, COLORADO

S P E C I A L M E E T I N G

There will be a Special Meeting of the City Council of
the City of Trinidad, Colorado, on Thursday, April 17, 2014,
at 1:00 p.m. in the
Council Chambers at City Hall

The following item is on file for consideration of City Council:

- 1) Resolution approving the basic terms of settlement between the City of Trinidad, Arkansas River Power Authority and Syncora

Individuals with disabilities needing auxiliary aid(s) may request assistance by contacting Audra Garrett, City Clerk, 135 N. Animas Street, Phone (719) 846-9843, or FAX (719) 846-4140. At least a 48 hour advance notice prior to the scheduled meeting would be appreciated so that arrangements can be made to locate the requested auxiliary aid(s).



RESOLUTION NO.

A RESOLUTION OF THE CITY OF TRINIDAD, COLORADO, APPROVING THE BASIC TERMS OF SETTLEMENT OF TRINIDAD V. ARPA AND SYNCORA V. TRINIDAD LAWSUITS AND REAFFIRMATION OF THE ORGANIC CONTRACT, POWER SUPPLY AGREEMENT AND BASIC TERMS OF SETTLEMENT

WHEREAS, the City of Trinidad, Colorado (the "City") is a member of the Arkansas River Power Authority, a separate governmental entity and political subdivision of the State of Colorado (the "Authority" or "ARPA"), having heretofore executed and delivered the Organic Contract Creating and Establishing the Arkansas River Power Authority as a Separate Governmental Entity and amendments thereto (collectively, the "Organic Contract"); and

WHEREAS, the Authority was established by the City of Las Animas, Colorado; the City of La Junta, Colorado; the City of Lamar, Colorado; the Town of Holly, Colorado; the Town of Springfield, Colorado; the City of Trinidad, Colorado; and the City of Raton, New Mexico to plan, develop and acquire the electric power resources needed by the Member Municipalities to reliably serve their respective electricity customers; and

WHEREAS, the Authority is presently comprised of the City of Las Animas, Colorado; the City of La Junta, Colorado; the City of Lamar, Colorado; the Town of Holly, Colorado; the Town of Springfield, Colorado; and the City of Trinidad, Colorado (collectively the "Member Municipalities" or individually each a "Member Municipality"); and

WHEREAS the City, is aware that the parties to *City of Trinidad, Colorado v. Arkansas River Power Authority*, No. 2011cv30 (Colo. Dist. Ct.) (the "Trinidad-ARPA Litigation") and *Syncora Guarantee Inc. v. City of Trinidad*, Colorado, No. 13-CV-01332 (D. Colo.) have agreed to settlement of their respective litigations on the terms contained in the Basic Terms of Settlement, a copy of which will be attached to this Resolution upon the City of Trinidad's approval; and

WHEREAS the City, is aware that the Basic Terms of Settlement provides that the terms are confidential until approval by the City and provides that the that the Agreement is conditioned on approval of the Member Municipalities; and

WHEREAS the City, is aware that the Basic Terms of Settlement provides that Syncora will pay \$2,035,000 to retire or pay off the 2003 Series Bonds subject to reaffirmation by the Member Municipalities of the Organic Contract, Power Supply Agreement and the terms and conditions of the Basic Terms of Settlement; and

WHEREAS, being duly advised and after consideration of information presented to the City, the City Council now takes the following action.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TRINIDAD, COLORADO:

The City Council hereby finds and determines that the City, as a Member Municipality and for the benefit of the City and its residents, should, and hereby does, approve the Basic Terms of Settlement, and reaffirms the Organic Contract and the Power Supply Agreement.

APPROVED AND ADOPTED THIS _____ day of _____, 2014.

JOSEPH A. REORDA, MAYOR

ATTEST:

AUDRA GARRETT, CITY CLERK