



## Legislation Details (With Text)

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**Type:** Resolution **Status:** Passed

**File created:** 10/7/2008 **In control:** PUBLIC WORKS COMMITTEE

**On agenda:** **Final action:** 12/16/2008

**Effective date:**

**Title:** Substitute resolution authorizing the assignment to the City of Mequon of the Agreement Between the City of Milwaukee and We Energies for the Purchase of Water at Wholesale.

**Sponsors:** THE CHAIR

**Indexes:** AGREEMENTS, WATER SALES, WATER WORKS

**Attachments:** 1. Cover Letter, 2. Fiscal Note, 3. WE Energies Letter and Agreement, 4. Hearing Notice List, 5. 11-26-08 Letter from City Atty Grant Langley, 6. 12-1-08 Letter Ald. Bauman to City Attorney, 7. 12-9-08 Letter from City Attorney, 8. 12-11-08 Letter Ald. Hines to City Attorney, 9. 12-15-08 Letter from City Attorney, 10. Map

Date	Ver.	Action By	Action	Result	Tally
10/7/2008	0	COMMON COUNCIL	ASSIGNED TO		
10/9/2008	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
12/10/2008	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
12/16/2008	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Fail	2:3
12/16/2008	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR PLACING ON FILE	Pass	5:0
12/16/2008	0	PUBLIC WORKS COMMITTEE	SUBSTITUTED	Pass	4:0
12/16/2008	1	CITY CLERK	DRAFT SUBMITTED		
12/16/2008	2	COMMON COUNCIL	ADOPTED	Pass	14:0
12/16/2008	1	COMMON COUNCIL	SUBSTITUTED	Pass	14:0
12/16/2008	1	COMMON COUNCIL	ADOPTED	Fail	5:9
12/16/2008	2	CITY CLERK	DRAFT SUBMITTED		
12/22/2008	2	MAYOR	SIGNED		

080850  
Substitute 2

### THE CHAIR

Substitute resolution authorizing the assignment to the City of Mequon of the Agreement Between the City of Milwaukee and We Energies for the Purchase of Water at Wholesale.

This resolution authorizes and directs the proper City officials to execute the consent document authorizing the assignment to the City of Mequon of the water service agreement with We Energies for the purchase of water at wholesale to serve areas of Mequon and the Village of Thiensville.

Whereas, The Common Council under Resolution No. 030549 authorized the proper City officials to execute the renewal of the Agreement between the City of Milwaukee and Wisconsin Gas LLC d/b/a We Energies Water Services ("We Energies") for the Purchase of Water at Wholesale ("Water Services Agreement"); and

Whereas, The Water Services Agreement is in force for ten years from and after the effective date of February 2, 2004 and automatically renews for subsequent ten-year periods; and

Whereas, We Energies and the City of Mequon entered into an Asset Purchase Agreement dated September 5, 2008 pursuant to which We Energies has agreed to sell the water system assets of We Energies to the City of Mequon; and

Whereas, The Water Services Agreement provides that neither the Agreement nor any of the rights, interests, or obligations shall be assigned by either of the parties without the prior written consent of the other party; and

Whereas, We Energies has formally requested in writing that the City of Milwaukee consent to the assignment of the Water Services Agreement to the City of Mequon; now, therefore, be it

Resolved, By the Common Council of The City of Milwaukee, that the proper City officials are hereby authorized and directed to execute the document attached to this file, granting the City of Milwaukee's consent to the assignment of the Water Services Agreement to the City of Mequon; and, be it

Further Resolved, That the Water Works file with the Public Service Commission of Wisconsin, a fully executed copy of the consent document.

Department of Public Works  
Milwaukee Water Works

Water Administration  
CML:ps  
September 26, 2008  
Doc: resolution contract assignment\_080926