

A RESOLUTION

APPROVING A MUTUAL NON-DISCLOSURE AGREEMENT GOVERNING
CONFIDENTIAL SETTLEMENT DISCUSSIONS BY AND BETWEEN THE PUBLIC
SERVICE COMPANY OF COLORADO AND THE CITY OF LAKEWOOD, AND
AUTHORIZING THE MAYOR TO SIGN THE UNREDACTED AGREEMENT

WHEREAS, in conformance with Article 12 of the Franchise Agreement between the City of Lakewood, Colorado and Public Service Company of Colorado (PSCo) for the furnishing of Utility Service, street lighting service and traffic signal lighting service, as effective in January 2010, the City has served notice to PSCo of its intent to purchase or condemn those company facilities located within the City of Lakewood associated with street lighting;

WHEREAS, the valuation of the street lights has not been agreed upon by the City and PSCo, necessitating negotiation of a value for such street lights (settlement);

WHEREAS, in anticipation of possible litigation, the City and PSCo wish to confidentially discuss whether it will be possible to reach an out-of-court settlement regarding the City's acquisition of the Street Lights, which discussions shall be governed by Rule 408 of the Colorado Rules of Evidence;

WHEREAS, it is important to the interests of the City and PSCo to keep the content of these discussions confidential to avoid outside parties using this information to the fiduciary harm of either or both parties; and

WHEREAS, any settlement agreement reached by the negotiators would be presented to the City Council for action in a public meeting.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lakewood:

1. The Mutual Non-Disclosure Agreement governing confidential settlement discussions by and between the Public Service Company of Colorado and the City of Lakewood is hereby approved and the Mayor is authorized to sign an unredacted copy.
2. In anticipation of long-term negotiations between the parties, annual reapprovals of this non-disclosure agreement may hereinafter be signed by the City Manager through December 31, 2027.

INTRODUCED, READ AND ADOPTED by a vote of 11 for and 0 against at a hybrid regular meeting of the Lakewood City Council held on March 25, 2024 at 7 o'clock p.m. at Lakewood City Hall, 480 South Allison Parkway, Lakewood, Colorado.

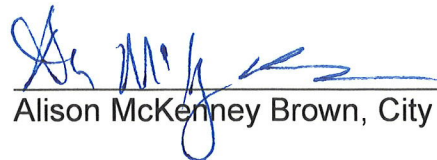



Wendi Strom, Mayor

ATTEST:


Jay Robb, City Clerk

APPROVED AS TO FORM:


Alison McKenney Brown, City Attorney