

**MEMORANDUM OF UNDERSTANDING BETWEEN
MOFFAT COUNTY BOARD OF COUNTY COMMISSIONERS
AND
CRAIG CITY COUNCIL**

**REGARDING: Legal Services to Support Moffat County and City of Craig Participation in 2023 Electric
Resource Plan Procedure at Colorado Public Utilities Commission**

This Memorandum of Understanding is entered into between the Moffat County, Colorado Board of County Commissioners and the Craig City Council, represented by its governing body, collectively referred to as “the Parties.” C.R.S. § 29-1-203 provides authority for Governments to cooperate or contract with one another to provide any function, service, or facility lawfully authorized in Colorado.

Whereas: Tri-State filed its next Electric Resource Plan (ERP) with the Colorado Public Utilities Commission (PUC) December 1, 2023. This filing initiates a formal process concerning issues of great importance to Moffat County and the City of Craig, including plant closure dates and the disposition of Tri-State assets, including water rights, and potentially including community assistance options and workforce impacts.

Whereas: Interested and impacted parties can intervene in the ERP process at the PUC to ensure their perspectives on relevant issues are heard. However, given the quasi-judicial nature of PUC proceedings, effective intervention essentially requires parties to be represented by attorneys who understand the PUC’s process and rules, can litigate the issues on behalf of their clients, and are present at or attentive to all proceedings related to the ERP. This need for an attorney makes it especially challenging for communities like Moffat County and the City of Craig to participate effectively in proceedings that could greatly impact their interests and those of their residents.

Whereas: Because of the critical nature of Tri-State’s upcoming ERP filing and litigation, OJT will provide funding for Moffat County and the City of Craig to intervene in this proceeding so our communities can have a voice and be fully engaged in a matter of critical importance to our future. We have further agreed to, and they have committed to communicate as appropriate with other local taxing districts that will lose property tax revenues due to the closure of Craig Station.

Now, therefore, both parties acknowledge and agree that:

1. Moffat County and the City of Craig agree to collaborate as equal partners in directing the work of the attorney, which both entities shall jointly select to represent both entities during the PUC hearings.
2. Moffat County and the City of Craig agree that the Moffat County Commissioners’ Office will serve as fiscal sponsor (“Fiscal Sponsor”) to administer funding from the Office of Just Transition to hire attorney representation during the PUC hearings.
3. Neither Moffat County or the City of Craig will expend cash to pay for their PUC attorney beyond OJT funding without agreeing to expending additional funds. Each entity will dedicate staff time to assist in guiding the attorney(s) throughout the process.
4. This MOU shall remain in effect through the Tri-State ERP Process or until all funds are expended.

ADOPTED this _____ day of December, 2023.

MOFFAT COUNTY BOARD OF COUNTY
COMMISSIONERS

Tony Bohrer, Chairman

STATE OF COLORADO)
) ss.
COUNTY OF MOFFAT)

I, Erin Miller, Deputy County Clerk and Ex-officio to the Board of Commissioners, do hereby certify that the above and foregoing is a true and complete copy of the resolution as adopted by the Board of County Commissioners on the date stated.

Witness my hand and the seal of said County this ____ day of December, 2023.

Erin Miller, Deputy Clerk and Ex-officio to County Commissioners, Moffat County, State of Colorado

ADOPTED this 12th day of December, 2023.

CITY OF CRAIG

CHRIS NICHOLS, MAYOR

Attest:

Liz White, City Clerk