

RESOLUTION NO. 2012-06-14-0026R

A RESOLUTION REQUESTING FINANCIAL ASSISTANCE FROM THE TEXAS WATER DEVELOPMENT BOARD FOR THE DESIGN AND CONSTRUCTION OF IMPROVEMENTS TO THE CITY'S WATER UTILITY SYSTEM; AUTHORIZING THE SYSTEM'S CO-FINANCIAL ADVISORS, BOND COUNSEL, AND ENGINEERS TO COORDINATE THE SUBMISSION OF THE APPLICATION TO THE TEXAS WATER DEVELOPMENT BOARD FOR FUNDING FROM ITS WATER INFRASTRUCTURE FUND; AND OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, the City of San Antonio, Texas (the *City*) deems it necessary to apply to the Texas Water Development Board (the *Board*) for financial assistance; and

WHEREAS, the Board of Trustees of the San Antonio Water System (the *System*) has requested and recommended that the City take this action; and

WHEREAS, in accordance with the rules and regulations of the Board, which govern the procedures in making such an application, the governing body of the City is required to pass a resolution to accompany such application; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO THAT:

1. It is hereby found and determined that the City cannot reasonably finance the proposed project without the financial assistance of the Board in the amount requested.

2. The City hereby requests that the Board, from its Water Infrastructure Fund, grant financial assistance to the City in the amount not to exceed \$50,000,000 (as a loan or by the purchase of obligations of the City and the receipt of the largest amount of grant funds lawfully available from the Board) for constructing improvements to the City's combined water and wastewater utility system, as designed by the System's consulting engineer. These obligations will be issued by the City in one or more series.

3. The Mayor or Mayor Pro Tem of the City is hereby authorized to execute and submit to the Board the application for such financial assistance, and the Mayor or Mayor Pro Tem of the City, together with Bond Counsel (or Co-Bond Counsel), Co-Financial Advisors and consulting engineers named in such application, are authorized to appear before the Board in support of such application.

4. The Chairman or Vice Chairman of the Board of Trustees of the System or the President/Chief Executive Officer or the Senior Vice President/Chief Financial Officer of the System is further specifically authorized to make the required assurances to the Board in accordance with the rules, regulations, and policies of the Board.

5. In connection with its filing of the application with the Board, the City seeks designation as a management agency for wastewater collection and treatment within the System's service territory, in accordance with the requirements of Section 208, as amended, Federal Water Pollution Control. In connection with such designation, the City has the authority to design, construct, operate, and maintain wastewater collection and treatment facilities, to raise revenues and assess appropriate charges to assure that each participating party pays its appropriate share of sewage system costs, to accept or refuse to accept any wastes from any participating party, to accept and utilize grants or other funds from any source for wastewater management purposes, and to carry out appropriate portions of an area-wide quality management plan. The Mayor or Mayor Pro Tem and the Chairman of the Board of Trustees of the System are hereby authorized to execute a separate document further memorializing this section 5 for the purpose of complying with the Board's prerequisites to the City's receipt of the financial assistance that is the subject of this Resolution.

6. A certified copy of this Resolution shall be attached to the application for financial assistance herein authorized to be prepared and submitted to the Board, and the City Clerk of the City is authorized and directed to prepare and certify such number of copies of this Resolution as may be required for purposes of supporting the submission of such application to the Board.

7. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City and the System.

8. All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

9. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

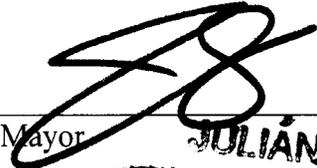
10. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Resolution would have been enacted without such invalid provision.

11. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, as amended, Texas Government Code.

12. The effective date of this Resolution shall be governed by the provisions of Section 1-15 of the City Code of San Antonio, Texas. This Resolution shall take effect immediately if passed by eight (8) affirmative votes; otherwise, this Resolution shall take effect ten (10) days from the date of passage.

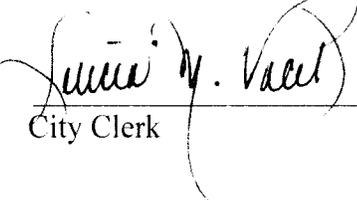
PASSED, ADOPTED AND APPROVED on the 14th day of June, 2012.

CITY OF SAN ANTONIO, TEXAS



Mayor **JULIÁN CASTRO**

Attest:



City Clerk



(SEAL)

I, the undersigned, City Attorney of the City of San Antonio, Texas, hereby certify that I read, passed upon, and approved as to form the foregoing Resolution prior to its adoption and passage as aforesaid.



Michael D. Bernard, City Attorney,
City of San Antonio, Texas

Agenda Item:	40E (in consent vote: 4, 5, 6, 8, 11, 12, 13, 15, 16, 17, 21, 22, 23, 24, 25, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37A, 38A, 38B, 39A, 39B, 39C, 39D, 39E, 40A, 40B, 40C, 40D, 40E, 40F)
Date:	06/14/2012
Time:	09:27:40 AM
Vote Type:	Motion to Approve
Description:	A Resolution authorizing the submittal of an application requesting financial assistance through Texas Water Development Board's Water Infrastructure Fund Loan Program in an amount not to exceed \$50,000,000.00 for funding of the Brackish Groundwater Desalination project.
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Diego Bernal	District 1		x				x
Ivy R. Taylor	District 2		x				
Leticia Ozuna	District 3		x				
Rey Saldaña	District 4	x					
David Medina Jr.	District 5		x				
Ray Lopez	District 6		x			x	
Cris Medina	District 7		x				
W. Reed Williams	District 8		x				
Elisa Chan	District 9		x				
Carlton Soules	District 10		x				

CERTIFICATE OF CITY CLERK

THE STATE OF TEXAS §
 §
COUNTIES OF BEXAR, COMAL AND §
MEDINA §
 §
CITY OF SAN ANTONIO §

THE UNDERSIGNED HEREBY CERTIFIES that:

1. On the 14th day of June, 2012, the City Council (the *Council*) of the City of San Antonio, Texas (the *City*) convened in regular session at its regular meeting place in the Municipal Plaza Building of the City (the *Meeting*), the duly constituted members of the Council being as follows:

Julián Castro	Mayor
Elisa Chan	Mayor Pro Tem
Diego M. Bernal	Councilmember
Ivy R. Taylor	Councilmember
Rey Saldaña	Councilmember
David Medina, Jr.	Councilmember
Ray Lopez	Councilmember
Cris Medina	Councilmember
W. Reed Williams	Councilmember
Leticia Ozuna	Councilmember
Carlton Soules	Councilmember

and all of such persons were present at the Meeting, except the following: ~~REY SALDAÑA~~, thus constituting a quorum. Among other business considered at the Meeting, the attached resolution (the *Resolution*) entitled:

A RESOLUTION REQUESTING FINANCIAL ASSISTANCE FROM THE TEXAS WATER DEVELOPMENT BOARD FOR THE DESIGN AND CONSTRUCTION OF IMPROVEMENTS TO THE CITY'S WATER UTILITY SYSTEM; AUTHORIZING THE SYSTEM'S CO-FINANCIAL ADVISORS, BOND COUNSEL, AND ENGINEERS TO COORDINATE THE SUBMISSION OF THE APPLICATION TO THE TEXAS WATER DEVELOPMENT BOARD FOR FUNDING FROM ITS WATER INFRASTRUCTURE FUND; AND OTHER MATTERS IN CONNECTION THEREWITH

was introduced and submitted to the Council for passage and adoption. After presentation and due consideration of the Resolution, a motion was made by Councilmember LOPEZ that the Resolution be finally passed and adopted in accordance with the City's Home Rule Charter. The motion was seconded by Councilmember BERNAL and carried by the following vote:

10 voted "For" 0 voted "Against" 0 abstained

all as shown in the official Minutes of the Council for the Meeting.

2. The attached Resolution is a true and correct copy of the original on file in the official records of the City; the duly qualified and acting members of the Council of the City on the date of the Meeting are those persons shown above, and, according to the records of my office, each member of the Council was given actual notice of the time, place, and purpose of the Meeting and had actual notice that the Resolution would be considered; and the Meeting and deliberation of the aforesaid public business, was open to the public and written notice of said meeting, including the subject of the Resolution, was posted and given in advance thereof in compliance with the provisions of Chapter 551, as amended, Texas Government Code.

IN WITNESS WHEREOF, I have signed my name officially and affixed the seal of the City, this 14th day of June, 2012.



(SEAL)

Leticia N. Veech

City Clerk, City of San Antonio, Texas