

RESOLUTION NO. 19-R-131

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING THE CITY MANAGER TO ENTER AN INTERLOCAL AGREEMENT FOR WHOLESALE TREATMENT OF WASTEWATER SERVICES BETWEEN THE CITY OF SCHERTZ AND THE CIBOLO CREEK MUNICIPAL AUTHORITY (CCMA) REGARDING THE NORTHCLIFFE WASTEWATER PLANT CURRENTLY OPERATED BY GUADALUPE RIVER AUTHORITY (GBRA) AND OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, the City of Schertz is a home rule municipality incorporated in Guadalupe County pursuant to the Statutes of the State of Texas, and as such is authorized to buy, sell, and lease real property; and

WHEREAS, the Cibolo Creek Municipal Authority is a municipal utility district authorized to enter into contracts related to real property; and

WHEREAS, the City receives wastewater service from CCMA on a wholesale basis pursuant to that certain Contract for Sewage Service, dated February 15, 1985 (the “Schertz-CCMA Contract”); and

WHEREAS, the City also receives wastewater service from Guadalupe-Blanco River Authority (GBRA) on a wholesale basis pursuant to that certain Treated Wastewater Service Agreement among the City of Schertz, Cibolo Creek Municipal Authority and Guadalupe-Blanco River Authority, dated July 31, 2008, as amended (the GBRA Agreement) to provide service to the Northcliffe Service Area (as hereinafter defined); and

WHEREAS, pursuant to the GBRA Agreement, GBRA provides wastewater service from the wastewater treatment plant that GBRA is authorized to own and operate pursuant to Texas Pollutant Discharge Elimination System Permit No. WQ0011751001 (the “**Northcliffe Plant**”); and

WHEREAS, pursuant to the GBRA Agreement, the City can also divert a portion of wastewater flows from the Northcliffe Service Area to CCMA’s regional wastewater treatment facilities (“**CCMA Facilities**”); and

WHEREAS, the City desires to divert all flows from the Northcliffe Service Area to the CCMA Facilities and cease operation of the Northcliffe Plant; and

WHEREAS, GBRA does not object to closing of the Northcliffe Plant; and

WHEREAS, CCMA agrees to accept all flows from the Northcliffe Plant to its CCMA Facilities

WHEREAS, the City agrees to pay a one-time lump sum payment of \$3,674,409.80 to CCMA's regional wastewater collection and treatment system to provide wastewater service to the City for all of the existing flows from the Northcliffe Service Area or the equivalent metered flow of wastewater as of the Effective Date; and

WHEREAS, the City agrees to pay all applicable wastewater treatment fees imposed by CCMA pursuant to its rate order and the Schertz-CCMA Contract.

WHEREAS, the City agrees to pay all applicable wastewater treatment fees imposed by CCMA pursuant to its rate order and the Schertz-CCMA Contract.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS THAT:

Section 1. The City Council hereby authorizes the City Manager to execute the Interlocal Agreement with Cibolo Creek Municipal Authority for wholesale treatment of wastewater services as set forth in Exhibit A.

Section 2. 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 Council.

Section 3. 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.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. 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 Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. 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, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND ADOPTED, this 24th day of September 2019.

CITY OF SCHERTZ, TEXAS

Michael R. Carpenter, Mayor

ATTEST:

Brenda Dennis, City Secretary

(CITY SEAL