

RESOLUTION NO. 20-R-28

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS APPROVING AN INTERLOCAL AGREEMENT AMENDMENT BETWEEN THE CITY OF SCHERTZ, TEXAS AND THE SAN ANTONIO RIVER AUTHORITY FOR SEWAGE TRANSPORTATION, TREATMENT AND DISPOSAL IN SOUTHERN SCHERTZ AND OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, the City staff of the City of Schertz (the “City”) has recommended that the City amend an Interlocal Agreement with San Antonio River Authority for Sewage Transportation, Treatment, and Disposal; and

WHEREAS, Chapter 791 of the Texas Government Code, as amended, titled Interlocal Cooperation Contracts, authorizes contracts between political subdivisions for the performance of governmental functions and services;

WHEREAS, the San Antonio River Authority holds the Certificate of Convenience and Necessity for Sewer Service in the Southern Schertz area; and

WHEREAS, the staff of the City of Schertz has met with the San Antonio River Authority and negotiated the terms of the Amended Interlocal Agreement; and

WHEREAS, the City of Schertz holds a dual Certificate of Convenience and Necessity with the Public Utility Commission; and

WHEREAS, one of the requirements of the dual Certificate of Convenience and Necessity with the Public Utility Commission is an Interlocal Agreement between the City of Schertz and San Antonio River Authority; and

WHEREAS, the City Council has determined that it is in the best interest of the City to amend the Interlocal Agreement with the San Antonio River Authority for Sewage Transportation, Treatment, and Disposal attached hereto as Exhibit A (the “Agreement”).

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 and deliver the Agreement with the San Antonio River Authority.

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resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.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 10th day of March, 2020.

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

Brenda Dennis, City Secretary

(CITY SEAL)

EXHIBIT A
INTERLOCAL AGREEMENT