

RESOLUTION NO. 23-R-71

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING THE CITY MANAGER TO AMEND THE SOUTHERN PLANT WASTEWATER SERVICES AND FUNDING AGREEMENT.

WHEREAS, the City Council of the City of Schertz, Texas, the City of Cibolo (“Cibolo”), and the Cibolo Creek Municipal Authority (“CCMA”) has previously entered into and agreement to participate in the new regional wastewater system (the Southern Plant) that will be owned, managed, maintained, operated, and potentially expanded by the CCMA; and

WHEREAS, the provisions of this agreement requires a written notice requirement from the City of Cibolo on or before the 9th anniversary of the August 26th, 2014 (“Effective Date”); and

WHEREAS, the City of Schertz is amenable to extending the deadline of this written notice requirement 90 days from the 9th anniversary the Effective Date; and

WHEREAS, this notice provided for in section 4(g) of the agreement is a commitment by Cibolo that they meet the provisions of this section and will begin the debt service contributions on the 10th anniversary of the Effective Date;

NOW THEREFORE, 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 amend the Southern Plant Wastewater Services and Funding Agreement.

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resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.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 ____ day of _____, 2023.

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, City Secretary