

**THIS IS A PROPOSED DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED ORDINANCE OR RESOLUTION ADOPTED BY THE CITY COUNCIL.**

**AN ORDINANCE**

**AUTHORIZING THE APPROVAL AND CONSENT OF THE SOUTH CENTRAL WATER COMPANY'S CERTIFICATE OF CONVENIENCE AND NECESSITY APPLICATION TO THE PUBLIC UTILITY COMMISSION FOR THE AREA WITHIN COMAL COUNTY BOUNDED BY THE CIBOLO VALLEY RANCH TRACT AND CURRENTLY WITHIN THE SAN ANTONIO WATER SYSTEM'S WASTEWATER CERTIFICATE OF CONVENIENCE AND NECESSITY; AND APPROVING THE SETTLEMENT AGREEMENT BETWEEN THE SAN ANTONIO WATER SYSTEM, CIBOLO VALLEY RANCH PARTNERS, LLC AND THE SOUTH CENTRAL WATER COMPANY THAT SPECIFIES CONDITIONS TO ALLOW SOUTH CENTRAL WATER COMPANY TO PROVIDE RETAIL SEWER SERVICE TO THE PORTION OF THE CIBOLO VALLEY RANCH TRACT WITHIN THE CITY'S EXTRATERRITORIAL JURISDICTION**

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**WHEREAS**, South Central Water Company (SCWC) has requested consent from the City to apply for a Certificate of Convenience and Necessity (CCN) with the Public Utilities Commission allowing SCWC to provide service to the Cibolo Valley Ranch Tract (CVR-Tract). The CCN would apply to a 498-acre tract in southern Comal and northern Bexar Counties south of FM 1863 and East of US 281, of which 394 acres is within SAWS sewer CCN. A part of the CVR-Tract is located in the Edwards Aquifer Recharge Zone and the remainder of the CVR-Tract is located in the Edwards Aquifer Contributing Zone. The portion of the CVR-Tract located inside of the City's extraterritorial jurisdiction (the ETJ) is subject to the City's Aquifer Protection Ordinance; and

**WHEREAS**, Section 13.245 of the Texas Water Code requires consent from a city with a population of 500,000 or more prior to the Public Utility Commission granting a CCN with the ETJ of the city. As a condition of consent, the city can require that all sewer facilities be designed and constructed in accordance with the municipality's standards for facilities; and

**WHEREAS**, due to the additional capital cost required for SAWS to serve the area, it is more economical for SCWC to provide sewer service in the affected area; and

**WHEREAS**, San Antonio Water System (SAWS) staff has conducted an analysis of the request working with SCWC and recommends that the City agree to the consent request under the specified conditions contained in the Settlement Agreement between SAWS, Cibolo Valley Partners, LLC and SCWC; **NOW THEREFORE:**

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

**SECTION 1.** The City consents to South Central Water Company's application to the Public Utility Commission for a Certificate of Convenience and Necessity allowing South Central Water Company to provide service to the Cibolo Valley Ranch Tract.

**SECTION 2.** This Ordinance applies to a 498-acre tract in southern Comal and northern Bexar Counties south of FM 1863 and East of US 281, of which 394 acres is within SAWS sewer Certificate of Convenience and Necessity. A part of the Cibolo Valley Ranch Tract is located in the Edwards Aquifer Recharge Zone and the remainder of the tract is located in the Edwards Aquifer Contributing Zone. This Ordinance is subject to the specified conditions set out in the Settlement Agreement between SAWS, Cibolo Valley Partners, LLC and SCWC, attached as Exhibit, attached as **Exhibit A** and incorporated by reference hereto as if set out in the Ordinance word for word.

**SECTION 3.** This ordinance shall take effect on the 5<sup>th</sup> day of March, 2017.

**PASSED AND APPROVED** this 23<sup>rd</sup> day of February, 2017

**M A Y O R**  
**Ivy R. Taylor**

**ATTEST:**

**APPROVED AS TO FORM:**

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Leticia M. Vacek, City Clerk

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City Attorney