

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

**RESOLUTION**

**CONSENTING TO A REQUEST BY SOUTH CENTRAL WATER COMPANY TO FILE A DUAL-USE SEWER CERTIFICATE OF CONVENIENCE AND NECESSITY WITH THE PUBLIC UTILITIES COMMISSION OF TEXAS CONSISTENT WITH THE SERVICE AREA AGREEMENT ENTERED INTO BY THE SAN ANTONIO WATER SYSTEM, SOUTH CENTRAL WATER COMPANY, CONTINENTAL HOMES OF TEXAS, L.P., AND TAW PROPERTIES, LTD.**

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**WHEREAS**, Continental Homes of Texas, L.P., a Texas limited partnership (Continental Homes), TAW Properties, Ltd., a Texas Limited Partnership (TAW) are developing two tracts located in Comal County (the Continental Tract and the TAW Tract, respectively) that are located within the San Antonio Water System's (SAWS') service area and within the City's extraterritorial jurisdiction (ETJ); and

**WHEREAS**, the Continental Tract is located in the Edwards Aquifer Recharge Zone, and the TAW Tract is located within the Edwards Aquifer Contributing Zone; and

**WHEREAS**, South Central Water Company ("SCWC") is a retail public utility and holds the exclusive right to provide retail sewer utility service to an area immediately north and east of the Continental and TAW Tracts and has the ability to extend service to the proposed development at a lower cost than extension of service by SAWS; 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 certificate of convenience and necessity within the ETJ of the city; and

**WHEREAS**, as a condition of consent, the city can require that all sewer and water facilities be designed and constructed in accordance with the municipality's standards for facilities; and

**WHEREAS**, over the last year, SAWS staff has worked directly with SCWS staff discussing various options relating to the development and operations of the wastewater system; and

**WHEREAS**, SCWS, Continental Homes, TAW, and SAWS have entered into a Service Area Agreement that allows certain improvements to existing facilities and commitments to construct future development phases in a manner that is acceptable to SAWS; and

**WHEREAS**, SAWS has approved the Service Area Agreement; the filing of a petition with the Public Utilities Commission for approval of the Service Area Agreement, including dual certification for service to the properties; and recommends that the City of San Antonio consent

to the amendment of SCWC's sewer CCN consistent with the Service Area Agreement; **NOW THEREFORE:**

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

**SECTION 1.** The City of San Antonio consents to the request by South Central Water Company to file an application with the Public Utility Commission for a dual-use certificate of convenience and necessity to provide sewer service to the Continental Tract and TAW Tract within the SAWS sewer certificate of convenience and necessity and San Antonio's extraterritorial jurisdiction.

**SECTION 3.** Consistent with Section 13.245 of the Texas Water Code, the City's consent is conditioned on compliance with the engineering standards for retail sewer utility service set out in the Service Area Agreement, attached as **Exhibit A** and incorporated by reference hereto as if set out in the Resolution word for word.

**SECTION 3.** This Resolution shall become effective immediately upon the passage by eight (8) votes of the City Council and if passed upon fewer than eight (8) votes after the tenth (10<sup>th</sup>) day after passage.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**M A Y O R**  
**Ron Nirenberg**

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Leticia M. Vacek, City Clerk

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Andrew Segovia, City Attorney