

RESOLUTION NO. 18-077

OF THE SAN ANTONIO WATER SYSTEM BOARD OF TRUSTEES INITIATING THE TRANSFER A PORTION OF ITS CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) AND THE SALE OF THE WEST VIEW PROPERTY (THE "PROPERTY") AND OPERATING INFRASTRUCTURE; AUTHORIZING THE PRESIDENT/CHIEF EXECUTIVE OFFICER OR HIS DULY APPOINTED DESIGNEE TO INITIATE DISPOSAL OF SAID PROPERTY AND OPERATING INFRASTRUCTURE PURSUANT TO SECTION 272.001 THE TEXAS LOCAL GOVERNMENT CODE AND APPLICABLE POLICIES AND PROCEDURES; AUTHORIZING THE PRESIDENT/CHIEF EXECUTIVE OFFICER OR HIS DULY APPOINTED DESIGNEE TO PREPARE THE APPLICABLE APPLICATION FOR SALE, TRANSFER, OR MERGER OF A RETAIL PUBLIC UTILITY FORM FOR SUBMITTAL TO THE PUBLIC UTILITY COMMISSION OF TEXAS; FINDING THE RESOLUTION TO HAVE BEEN CONSIDERED PURSUANT TO THE LAWS GOVERNING OPEN MEETINGS; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the San Antonio Water System (the "System") owns and operates the Property, being a 0.579 acre tract described more particularly on Attachment I attached hereto and incorporated herein and the West View Operating Infrastructure (the "Operating Infrastructure"), being facilities, improvements, easements and other property interests related to the Operating Infrastructure, and depicted on Attachment II attached hereto and incorporated herein, which was acquired by the System as part of the System's assumption and integration of the Bexar Metropolitan Water District in 2012; and

WHEREAS, staff has determined that it is in the best interests of the System and its ratepayers to sell the Property and Operating Infrastructure; and

WHEREAS, upon the sale of said Property and Operating Infrastructure, the proceeds from said sale shall be deposited in the System Fund; and

WHEREAS, the San Antonio Water System Board of Trustees desires to (i) authorize the President/Chief Executive Officer or his duly appointed designee to initiate the transfer a portion of the System's CCN and the sale of said Property and Operating Infrastructure pursuant to Section 272.001 of the Texas Local Government Code and any other laws, including, all applicable City of San Antonio policies and procedures, and (ii) authorize the President/Chief Executive Officer or his duly appointed designee to pursue any other necessary local or state approvals, including, preparation of the application for sale, transfer or merger of a retail public utility form for submittal to the Public Utility Commission of Texas; now, therefore:

BE IT RESOLVED BY THE SAN ANTONIO WATER SYSTEM BOARD OF TRUSTEES:

1. That the President/Chief Executive Officer or his duly appointed designee is hereby authorized to initiate the transfer a portion of the System's CCN and the sale of the Property and Operating Infrastructure pursuant to Section 272.001 of the Texas Local Government Code and all other applicable laws, policies and procedures. A contract for the sale of the Property and Operating Infrastructure must be submitted for consideration and approval by the Board once a successful bidder has been identified.
2. That the President/Chief Executive Officer or his duly appointed designee is hereby authorized to prepare the applicable Application for Sale, Transfer, or Merger of a Retail Public Utility form for submittal to the Public Utility Commission of Texas and pursue any other necessary local or state approvals. The final contract for the sale of the Property and Operating Infrastructure shall be submitted to the Public Utility Commission of Texas as part of the Application for Sale, Transfer, or Merger of a Retail Public Utility.
3. It is officially found, determined and declared that the Property and Operating Infrastructure is not a substantial part, or suited to the efficient operation, of the System.
4. It is officially found, determined and declared that the meeting at which this resolution is adopted was open to the public, and the published notice of the time, place, and subject matter of the public business to be conducted at such meeting, including this resolution, was given to all as required by the Texas Codes Annotated, as amended, Title 5, Chapter 551, Government Code.
5. If any part, section, paragraph, sentence, phrase, or word of this resolution is for any reason held to be unconstitutional, illegal, inoperative or invalid, or if any exception to or limitation upon any general provision herein contained is held to be unconstitutional, illegal, invalid or ineffective, the remainder of this resolution shall nevertheless stand effective and valid as if it had been enacted without the portion held to be unconstitutional, illegal, invalid, or ineffective. This resolution becomes effective immediately upon its passage.
6. This resolution becomes effective immediately upon its passage.

PASSED AND APPROVED this 6th day of March 2018.


Berto Guerra, Jr., Chairman

ATTEST.


Ernesto Arrellano, Jr., Secretary

Attachment I: Description of Property

Attachment II: Depiction of Service System