

10/29/2020  
Item No. \_\_\_\_

RESOLUTION NO. 2020-10-29-0047 R

**A RESOLUTION REQUESTING FINANCIAL ASSISTANCE IN THE AMOUNT OF \$21,613,000 FROM THE TEXAS WATER DEVELOPMENT BOARD UNDER ITS DRINKING WATER STATE REVOLVING FUND PROGRAM FOR THE DESIGN AND CONSTRUCTION OF IMPROVEMENTS TO THE CITY'S WATER UTILITY SYSTEM; AUTHORIZING THE SYSTEM'S CO-FINANCIAL ADVISORS, CO-BOND COUNSEL, AND ENGINEERS TO COORDINATE THE SUBMISSION OF THE APPLICATION TO THE TEXAS WATER DEVELOPMENT BOARD FOR FUNDING FROM ITS DRINKING WATER STATE REVOLVING FUND; AND OTHER MATTERS IN CONNECTION THEREWITH**

\* \* \* \*

**WHEREAS**, the City of San Antonio, Texas (the *City*) deems it necessary to apply to the Texas Water Development Board (the *Board*) for financial assistance; and

**WHEREAS**, in accordance with the rules and regulations of the Board, which govern the procedures in making such an application, the governing body of the City is required to pass a resolution to accompany such application; **NOW THEREFORE**:

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

**SECTION 1:** The City hereby requests that the Board, from its Drinking Water State Revolving Fund Program, grant financial assistance to the City in the amount not to exceed \$21,613,000 (as a loan or by the purchase of obligations of the City and the receipt of the largest amount of grant funds lawfully available from the Board) for constructing improvements to the City's combined water and wastewater utility system, as designed by the consulting engineer of the San Antonio Water System (the *System*). These obligations will be issued by the City in one or more series.

**SECTION 2:** The Mayor or Mayor Pro Tem of the City, together with Co-Bond Counsel, Co-Financial Advisors and consulting engineers named in such application, are authorized to appear before the Board in support of such application.

**SECTION 3:** Each of the Mayor or Mayor Pro Tem of the City, Chair or Vice Chair of the Board of Trustees of the System, or the President/Chief Executive Officer or the Senior Vice President/Chief Financial Officer of the System is hereby authorized to execute and submit to the Board the application for such financial assistance and to make the required assurances to the Board in accordance with the rules, regulations, and policies of the Board.

**SECTION 4:** A certified copy of this Resolution shall be attached to the application for financial assistance herein authorized to be prepared and submitted to the Board, and the City Clerk of the City is authorized and directed to prepare and certify such number of copies of this Resolution as may be required for purposes of supporting the submission of such application to the Board.



**WHEREAS**, the Issuer or the Board intend to reimburse themselves, within eighteen months from the later of the date of expenditure or the date the property financed is placed in service (but in no event more than three years after the original expenditures are paid), for the prior lawful capital expenditure of funds from the proceeds of one or more series of tax-exempt obligations that the Issuer currently contemplates issuing in an amount not to exceed \$21,613,000 (the *Obligations*) to finance a portion of the costs of the Project; and

**WHEREAS**, under the Regulations, to fund such reimbursement with proceeds of the Obligations, the Issuer or the Board, acting on behalf of the Issuer, must declare their expectation ultimately to make such reimbursement before making the expenditures; and

**WHEREAS**, the Issuer, acting through the Board, hereby finds and determines that the reimbursement for the prior expenditure of funds of the Issuer or the Board is not inconsistent with the Issuer's or the Board's budgetary and financial circumstances; and

**WHEREAS**, the Governing Body hereby finds and determines that the adoption of this Resolution is in the best interests of the citizens of the Issuer; **NOW THEREFORE:**

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

**SECTION 1:** This Resolution is a declaration of intent to establish the Issuer's and the Board's reasonable, official intent under section 1.150-2 of the Regulations to reimburse themselves from certain of the proceeds of the Obligations for any capital expenditures previously incurred (not more than 60 days prior to the date hereof) or to be incurred with respect to the Project from lawfully available general funds or other funds of the Issuer or the Board.

**SECTION 2:** The Issuer intends to issue the Obligations and allocate within 30 days after the date of issue of the Obligations the proceeds therefrom to reimburse the Issuer or the Board for prior lawful expenditures with respect to the Project in a manner to comply with the Regulations.

**SECTION 3:** The reimbursed expenditure will be a type properly chargeable to a capital account (or would be so chargeable with a proper election) under general federal income tax principles.

**SECTION 4:** The Issuer and the Board intend to otherwise comply, in addition to those matters addressed within this Resolution, with all the requirements contained in the Regulations.

**SECTION 5:** This Resolution may be relied upon by the appropriate officials at the Office of the Attorney General for the State of Texas and establishes compliance by the Issuer and the Board with the requirements of Texas law and the Regulations.

**SECTION 6:** With respect to the proceeds of the Obligations allocated to reimburse the Issuer or the Board for prior expenditures, neither the Issuer nor the Board shall employ an abusive device under Treasury Regulation Section 1.148-10, including using within one year of the reimbursement allocation, the funds corresponding to the proceeds of the Obligations in a manner that results in the creation of replacement proceeds, as defined in Treasury Regulation Section 1.148-1, of the Obligations or another issuer of tax-exempt obligations.

**SECTION 5:** 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.

**SECTION 6:** 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 7:** This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

**SECTION 8:** 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 hereby declares that this Resolution would have been enacted without such invalid provision.

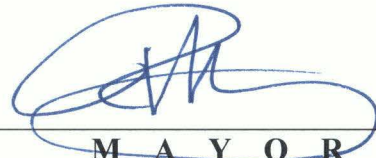
**SECTION 9:** It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, as amended, Texas Government Code.

**SECTION 10:** The effective date of this Resolution shall be governed by the provisions of Section 1-15 of the City Code of San Antonio, Texas. This Resolution shall take effect immediately if passed by eight (8) affirmative votes; otherwise, this Resolution shall take effect ten (10) days from the date of passage.

\* \* \* \*

**PASSED AND APPROVED** this the 29th day of October, 2020.

CITY OF SAN ANTONIO, TEXAS



**M A Y O R**

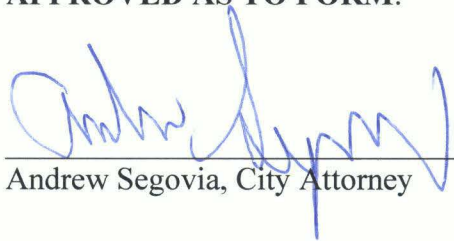
Ron Nirenberg

**ATTEST:**



Tina J. Flores, City Clerk

**APPROVED AS TO FORM:**



Andrew Segovia, City Attorney

Rn





### CERTIFICATE OF CITY CLERK

THE STATE OF TEXAS                   §  
                                                  §  
COUNTY OF BEXAR                   §  
                                                  §  
CITY OF SAN ANTONIO, TEXAS       §

THE UNDERSIGNED HEREBY CERTIFIES that:

1. On the 29<sup>th</sup> day of October, 2020, the City Council (the *Council*) of the City of San Antonio, Texas (the *City*) convened in regular session at its regular meeting place in the City Hall of the City (the *Meeting*), the duly constituted members of the Council being as follows:

Ron Nirenberg	Mayor
Roberto C. Treviño	Councilmember
Jada Andrews-Sullivan	Councilmember
Rebecca J. Viagran	Councilmember
Dr. Adriana Rocha Garcia	Councilmember
Shirley Gonzales	Councilmember
Melissa Cabello Havrda	Councilmember
Ana Sandoval	Councilmember
Manny Pelàez	Councilmember
John Courage	Councilmember
Clayton Perry	Councilmember

and all of such persons were present at the Meeting, except the following: G, thus constituting a quorum. Among other business considered at the Meeting, the attached Resolution (the *Resolution*) entitled:

A RESOLUTION REQUESTING FINANCIAL ASSISTANCE IN THE AMOUNT OF \$21,613,000 FROM THE TEXAS WATER DEVELOPMENT BOARD UNDER ITS DRINKING WATER STATE REVOLVING FUND PROGRAM FOR THE DESIGN AND CONSTRUCTION OF IMPROVEMENTS TO THE CITY'S WATER UTILITY SYSTEM; AUTHORIZING THE SYSTEM'S CO-FINANCIAL ADVISORS, CO-BOND COUNSEL, AND ENGINEERS TO COORDINATE THE SUBMISSION OF THE APPLICATION TO THE TEXAS WATER DEVELOPMENT BOARD FOR FUNDING FROM ITS DRINKING WATER STATE REVOLVING FUND; AND OTHER MATTERS IN CONNECTION THEREWITH

was introduced and submitted to the Council for passage and adoption. After presentation and discussion of the Resolution, a motion was made by Councilmember Courage that the Resolution be finally passed and adopted in accordance with the City's Home Rule Charter. The motion was seconded by Councilmember Andrews-Sullivan and carried by the following vote:

11 voted "For" 0 voted "Against" 0 abstained

all as shown in the official Minutes of the Council for the Meeting.

2. The attached Resolution is a true and correct copy of the original on file in the official records of the City; the duly qualified and acting members of the Council of the City on the date of the Meeting are those persons shown above, and, according to the records of my office, each member of the Council was given actual notice of the time, place, and purpose of the Meeting and had actual notice that the Resolution would be considered; and the Meeting and deliberation of the aforesaid public business, including the subject of the Resolution, was open to the public and posted and given in advance thereof in compliance with the provisions of Chapter 551, as amended, Texas Government Code.

*[The remainder of this page intentionally left blank.]*

IN WITNESS WHEREOF, I have signed my name officially and affixed the seal of the City, this 29<sup>th</sup> day of October, 2020.

*Maria J. Flores*

City Clerk  
City of San Antonio, Texas





## City of San Antonio

### City Council

October 29, 2020

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**Item: 39B**

**Enactment Number:**

**File Number: 20-6337**

**2020-10-29-0047R**

Resolution authorizing the submittal of an application requesting financial assistance under the Texas Water Development Board's Drinking Water State Revolving Fund Program in the amount not to exceed \$21,613,000 for funding of certain qualified water projects for the San Antonio Water System.

Councilmember John Courage made a motion to approve. Councilmember Jada Andrews-Sullivan seconded the motion. The motion passed by the following vote:

**Aye:** 11 Nirenberg, Treviño, Andrews-Sullivan, Viagran, Rocha Garcia,  
Gonzales, Cabello Havrda, Sandoval, Pelaez, Courage and Perry