

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS DECLARING THE CITY'S INTENT TO ESTABLISH A COOPERATIVE WATER POLICY WITH THE MANVILLE WATER SUPPLY CORPORATION AND DIRECTING AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND COLLABORATE WITH MANVILLE WATER SUPPLY CORPORATION TO CREATE A WATER POLICY TO BE JOINTLY ADOPTED BY THE PARTIES

WHEREAS, the City Council of the City of Pflugerville (City) finds that the City's jurisdictional boundaries and its Extra-Territorial Jurisdiction (ETJ) have experienced rapid and significant population growth and rapid and significant quality economic growth over the past several years and anticipates rapid and significant population and rapid and significant quality economic growth to continue; and

WHEREAS, the City Council of the City finds that the City's quality economic growth is essential to the health, safety and welfare of its citizens, both current and future; and

WHEREAS, the City Council of the City finds that providing for quality economic growth in the community further provides quality job growth within the boundaries of the City and the ETJ; and

WHEREAS, the City Council of the City finds that for the City to continue to attract quality economic development growth and quality job growth, it is essential to provide quality water utility services at a standard that is greater than minimum state requirements, a standard the City describes as an Urban Level standard, which is hereby deemed necessary for the City to sustain its quality growth, attract quality jobs, and provide for the health, safety and welfare of its citizens; and

WHEREAS, the City Council of the City finds that the City's anticipated primary growth areas, both within the City Limits and ETJ are, in many instances, identified within areas either currently served or designated for future service under permits issued by the Texas Commission on Environmental Quality (TCEQ) to the Manville Water Supply Corporation (Manville); and

WHEREAS, the City Council of the City finds that Manville is a member owned 501(c)12 non-profit corporation dedicated to providing water service to its member/customers, primarily within rural areas included within the boundaries of its Water Certificate of Convenience and Necessity (Water CCN) areas; and

WHEREAS, the City Council of the City finds that Manville also contracts to provide water on a wholesale basis to areas within the City and its ETJ; and

WHEREAS, the City Council of the City finds that Manville has elected to continue to focus on its primary mission to maintain and continue its efforts to provide rural water supplies; thereby creating a need to establish a jointly adopted water policy allowing for alternative water delivery to support quality economic growth as land use within the City and ETJ transition from a rural to urban use; and

WHEREAS, the City Council of the City finds that informal discussions have identified a mutual desire to establish a cooperative water policy between the two entities to allow for a transition of services from rural level standards to urban level standards consistent in a method to allow both entities the ability to act in the best interest of their organizations; and

WHEREAS, the City Council of the City finds that it is in the best interest of both organizations for the City to acquire areas either currently served or designated for future service under multiple permits (CCN's) issued by the Texas Commission on Environmental Quality (TCEQ) to the Manville Water Supply Corporation (Manville) to further the jointly held objectives of the organizations as rural areas develop into urban areas within the City and the ETJ; and

WHEREAS, the City Council of the City finds that Manville has a fiduciary duty to its members, including the City of Pflugerville, Texas who is a member, to ensure adequate financial resources are available to satisfy any and all debt owed by Manville and to maintain low water rates to its rural customers; and

WHEREAS, the City Council of the City finds that the Manville Board of Directors expect a fair market value in exchange for any transfer of area served or designated for future service by Manville under any Water policy developed by the parties; and

WHEREAS, the City Council of the City finds that the City and Manville have wholesale water supply contracts with each other which may need to be revisited and renegotiated to give effect to the water policy to be established; and

WHEREAS, Texas Senator Kirk Watson's office has offered his support to the City and to Manville to develop an effective and efficient water policy for the organizations to ensure adequate and quality water supply for the areas served by the two organizations; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS:

1. That the facts and recitations set forth in the preamble above are hereby declared true and correct.
2. A Manville Water Policy Negotiation Team to be led by City Manager Brandon Wade, who shall serve as Chief Negotiator, and with Mayor Jeff Coleman and Council Member Wayne Cooper serving as City Council members, shall be established.
3. The Manville Water Policy Negotiation Team shall be responsible for formally developing and proposing Water Policy of the City as it relates to the City's cooperative efforts with the Manville Water Supply Corporation, tentative upon City Council approval.
4. The City Manager is directed to assemble and maintain a Technical Advisory Team consisting of engineers, water operations experts, financial and legal experts, as necessary, to be supported by the City Attorney's Office, to propose viable, pragmatic solutions to the overall benefit of both the City and Manville in achieving their respective goals and objectives.
5. The City Manager is directed to obtain any and all information from Manville as may be needed by the Technical Advisory Team, the Negotiation Team and/or the Council to carry out its duties.
6. The City Manager to provide interim progress reports to the City Council and Senator Watson's Office, as necessary.
7. The City Manager is to present a formal report of progress to the City Council at a Regular Council Meeting in July, 2013, with recommendations of future efforts to further the goals of both parties.

APPROVED this 12th day of March, 2013.

CITY OF PFLUGERVILLE, TEXAS

Jeff Coleman, Mayor

ATTEST:

Karen Thompson, City Secretary