

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE SUPPORTING THE DETERMINATION OF THE STEERING COMMITTEE OF THE HIGHLAND LAKES FIRM WATER CUSTOMERS COOPERATIVE TO SEEK PARTY STATUS, AND REQUEST A CONTESTED CASE HEARING IF RECOMMENDED BY THE STEERING COMMITTEE ON THE APPLICATION OF THE LOWER COLORADO RIVER AUTHORITY TO AMEND ITS WATER MANAGEMENT PLAN; AUTHORIZING PARTICIPATION IN PROCEEDINGS RELATED TO THE LCRA WATER MANAGEMENT PLAN APPLICATION NO. 5838A CURRENTLY PENDING BEFORE TCEQ THROUGH THE HIGHLAND LAKES FIRM WATER CUSTOMERS COOPERATIVE; MAKING OTHER FINDINGS AND DETERMINATIONS RELATING THERETO; AND DECLARING AN EFFECTIVE DATE.**

**WHEREAS**, the Lower Colorado River Authority (“**LCRA**”) is the owner of Permit No. 5838 and Certificates of Adjudication Nos. 14-5478 and 14-5482 issued by the Texas Water Commission (now known as the Texas Commission on Environmental Quality (“**TCEQ**”)) pertaining to surface water rights in the Highland Lakes in the Colorado River Basin;

**WHEREAS**, on or about March 12, 2012, LCRA filed a permit application with the TCEQ seeking to amend its water rights permit and certificates of adjudication by amending the Water Management Plan (the “**WMP**”);

**WHEREAS**, the WMP is required by LCRA’s permits and certificates of adjudication and governs the amount of stored water released from the Highland Lakes; therefore, the WMP’s provisions materially and substantially affect the rights of LCRA’s firm water customers whose water supply comes from the Highland Lakes;

**WHEREAS**, the City of Pflugerville (the “**CITY**”) and LCRA are parties to a firm water supply contract pursuant to which the CITY obtains its municipal water supply from the Highland Lakes; accordingly, the CITY is a “firm water customer” of LCRA;

**WHEREAS**, the CITY is a party to that certain “Interlocal Cooperation Agreement Regarding the Creation of the Highland Lakes Firm Water Customers Cooperative,” dated to be effective on or about March 13, 2013 (the “**Interlocal Agreement**”) and is a member of the Highland Lakes Firm Water Customers Cooperative (the “**Cooperative**”) created pursuant to the Interlocal Agreement;

**WHEREAS**, the CITY has determined that it will support a recommendation, if any, of the Steering Committee to seek party status and request a contested case hearing on the LCRA's WMP permit application in order to fully protect the interests of the CITY and other members of the Cooperative.

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

**Section 1.** The statements set out in the preamble to this resolution are hereby found to be true and correct and are approved and adopted.

**Section 2.** The CITY will support a determination, if any, of the Steering Committee of the Highland Lakes Firm Water Customer Cooperative to seek party status and request a contested case hearing on LCRA's WMP permit application No. 5838A currently pending before TCEQ, to ensure representation by Cooperative of its member entities in any contested case hearing that may be held on the WMP.

**Section 3.** The CITY consents to representation of its interests by and through the Steering Committee of the Highland Lakes Firm Water Customer Cooperative in all proceedings before the State Office of Administrative Hearings and the Texas Commission on Environmental Quality related to the LCRA Water Management Plan.

**Section 3.** The CITY's Authorized Representative (defined in the Interlocal Agreement) and other staff are authorized and directed to support the efforts of the Cooperative consistent with this Resolution, as the Steering Committee may request.

**Section 4.** The meeting at which this resolution was approved was conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

**Section 5.** This resolution is effective immediately upon its adoption.

ADOPTED: May 14, 2013.

**CITY OF PFLUGERVILLE**

By: \_\_\_\_\_  
Jeff Coleman, Mayor

Date: \_\_\_\_\_

**ATTEST:**

By: \_\_\_\_\_  
Karen Thompson, City Secretary

Date: \_\_\_\_\_

**CERTIFICATION**

**STATE OF TEXAS  
COUNTY OF TRAVIS**

I, Karen Thompson, being the City Secretary of the City of Pflugerville do certify that the foregoing is a true and correct copy of the above-captioned Resolution approved by the City Council.

Witness my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

By: \_\_\_\_\_  
Karen Thompson, City Secretary