

RESOLUTION NO. _____

**RESOLUTION OF THE CITY OF PFLUGERVILLE, TEXAS
FINDING THAT A PUBLIC PURPOSE IS SERVED BY THE CITY'S INVOLVEMENT
IN ELECTIONS FOR THE MANVILLE WATER SUPPLY CORPORATION BOARD
OF DIRECTORS, AND AUTHORIZING THE USE OF PUBLIC RESOURCES IN
CONNECTION WITH ELECTIONS FOR THE MANVILLE WATER SUPPLY
CORPORATION BOARD OF DIRECTORS**

WHEREAS, the Manville Water Supply Corporation is a private corporation purportedly organized for purposes with the meaning of Section 501(c)(12) of the Internal Revenue Code; and

WHEREAS, the Manville Water Supply Corporation is organized pursuant to Chapter 67 of the Texas Water Code, and is subject to both Chapter 67 and to the Texas Non-Profit Corporation Act to the extent that it does not conflict with the terms of Chapter 67; and

WHEREAS, the Manville Water Supply Corporation is currently preparing for an election to the Board of Directors for Zone 1, Zone 5 and Zone 9; and

WHEREAS, the bylaws of Manville Water Supply Corporation designate as a "member" every person, whether a natural person or an entity, owning or having a legal right to control, possession or occupancy of any property served by the corporation; and

WHEREAS, the City of Pflugerville is a member of the Manville Water Supply Corporation and is entitled to participate and vote in Board of Director elections; and

WHEREAS, it is well settled by state and federal courts that a water supply corporation is not a "political subdivision" under Texas law, and therefore are not subject to the federal Voting Rights Act or to Title 15 of the Texas Election Code; and

WHEREAS, a corporate board election is not subject to the provisions of the Texas Election Code; and

WHEREAS, in addition to the City of Pflugerville's status as a member of the Manville Water Supply Corporation, many residents of the City of Pflugerville and its extraterritorial jurisdiction receive water service from Manville Water Supply Corporation, either directly or indirectly; and

WHEREAS, the City of Pflugerville, as a member of the Manville Water Supply Corporation, has an interest in electing Directors that are committed to responsible management, reasonable rates, and reliable infrastructure of Manville Water Supply Corporation; and

WHEREAS, the City of Pflugerville believes that its residents would benefit from the election of directors who recognize the importance of reliable potable water and fire protection;

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

1. That the City Council finds that a public purpose is served by its active involvement in all future elections to the Manville Water Supply Corporation Board of Directors.
2. That the City Council may determine candidates to support in elections to the Manville Water Supply Corporate Board of Directors.
3. That the use of public resources to participate in elections to the Manville Water Supply Corporation Board of Directors serves a public purpose.
4. That the City Manager may, at the direction of the City Council, expend city resources in support of candidates to the Board of Directors of the Manville Water Supply Corporation.

Approved this 12th day of February, 2013.

City of Pflugerville, Texas

By: _____
Jeff Coleman, Mayor

Attest:

Karen Thompson, City Secretary