

**THIS IS A PROPOSED DRAFT AND WILL BE REPLACED BY THE FINAL,
SIGNED ORDINANCE OR RESOLUTION ADOPTED BY THE CITY COUNCIL.**

ORDINANCE

APPROVING THE EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND SAN ANTONIO RIVER AUTHORITY TO ALLOCATE FUNDS IN THE AMOUNT OF \$100,050 TO SAN ANTONIO RIVER AUTHORITY TO FACILITATE SECTION 408 REVIEWS OF CITY PROJECTS BY THE U.S. ARMY CORPS OF ENGINEERS. FUNDS ARE AVAILABLE FROM THE 2017 AND 2022 GENERAL OBLIGATION BOND PROGRAMS.

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WHEREAS, the voter approved 2017 and 2022 General Obligation Bond Program allocated funds for construction of four projects that are subject to U.S. Army Corps of Engineers' Section 408 regulations, as established by Section 14 of the Rivers and Harbors Appropriation Act of 1899, as amended, and codified in 33 USC 408; and

WHEREAS, Section 14 of the Rivers and Harbors Appropriation Act of 1899, as amended and codified in 33 USC § 408 (referred to as Section 408), states that the Secretary of the Army, based on the recommendation of the Chief of Engineers, may grant permission for the permanent or temporary alteration or use of any U.S. Army Corps of Engineers (USACE) Civil Works project. The aforementioned bond projects fall under various regulatory jurisdictions and will require Section 408 reviews and approvals from the USACE before construction can begin; and

WHEREAS, The USACE has limited annual funding to conduct these reviews within their Region, which includes Texas, Louisiana, New Mexico, and Arkansas. The San Antonio River Authority (SARA) has a Section 1156(a)(2) Funding Agreement with the USACE to voluntarily contribute funds for the evaluation of Section 408 requests. These funds are intended to address potential annual funding shortfalls within the USACE, which could delay the review of Section 408 requests; and

WHEREAS, this ordinance approves the execution of an Interlocal Agreement between the City of San Antonio and the San Antonio River Authority to allocate funds in the amount of \$100,050 to SARA to facilitate Section 408 reviews of City projects by the USACE; and

WHEREAS, under this agreement, the San Antonio River Authority (SARA), on behalf of the City, will compensate the USACE for their Section 408 review services if the USACE exhausts their annual funding for these reviews. This agreement is required to grant the City permission to utilize SARA's 1156 Funding Agreement, as needed, to facilitate the completion of these reviews by the USACE. Once approved, the City is will these use funds for Section 408 reviews to ensure that regulatory approvals are granted and avoid project delays; and

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WHEREAS, approves the execution of an Interlocal Agreement between the City of San Antonio and the San Antonio River Authority to allocate funds in the amount of \$100,050 to SARA to facilitate Section 408 reviews of City projects by the U.S. Army Corps of Engineers. Funds are available from the 2017 and 2022 General Obligation Bond Programs; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Manager or designee, or the Director of the Public Works Department or designee, is authorized to execute an Interlocal Agreement between the City of San Antonio and the San Antonio River Authority to allocate funds in the amount of \$100,050 to SARA to facilitate Section 408 reviews of City projects by the U.S. Army Corps of Engineers. Funds are available from the 2017 and 2022 General Obligation Bond Programs.

SECTION 2. : Funds for this ordinance in the amount of \$100,050.00 are available per the table below:

Amount	Fund	WBS Element	GL Account
33,350.00	45099000	23-01606-04-02-01	5201040
11,500.00	45099000	23-03918-04-02-01	5201040
27,600.00	45099000	23-03930-04-02-01	5201040
27,600.00	45099000	23-03933-04-02-01	5201040
Total Amount: 100,500.00			

SECTION 3. Payment in the amount not to exceed \$100,500.00 is authorized to be encumbered with a purchase order and made payable to San Antonio River Authority. Payment is to facilitate Section 408 reviews of City projects by the U.S. Army Corps of Engineers. Funds are available from General Obligation bond funds.

SECTION 4. The financial allocations in this Ordinance are subject to approval by the Chief Financial Officer, City of San Antonio. The Chief Financial Officer may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Fund Numbers, Project Definitions, WBS Elements, Internal Orders, Fund Centers, Cost Centers, Functional Areas, Funds Reservation Document Numbers, and GL Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 5. This Ordinance is effective ten days after passage.

PASSED AND APPROVED this ___ day of June, 2025.

M A Y O R

Ron Nirenberg

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ATTEST:

Debbie Racca-Sittre, City Clerk

APPROVED AS TO FORM:

Andrew Segovia, City Attorney