

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

**RESOLUTION**

**CONSENTING TO THE APPLICATION OF SJWTX, INC. FOR WATER AND SEWER CERTIFICATES OF CONVENIENCE AND NECESSITY WITH THE PUBLIC UTILITIES COMMISSION OF TEXAS CONSISTENT WITH THE AGREEMENT TO TRANSFER RETAIL WATER AND SEWER SERVICE AREAS ENTERED INTO BY SJWTX, INC. AND THE SAN ANTONIO WATER SYSTEM (SAWS)**

\* \* \* \* \*

**WHEREAS**, San Antonio Water System’s (SAWS) water and sewer Certificates of Convenience and Necessity (CCNs) currently extend into Kendall County and are also within the City of San Antonio’s Extra Territorial Jurisdiction (ETJ); and

**WHEREAS**, the CCNs in Kendall County consists of 520 acres of water and 317 acres of sewer; and

**WHEREAS**, SAWS does not currently have existing customers in the CCN areas in Kendall County, Texas; and

**WHEREAS**, the SAWS Board of Trustees approved an Agreement Between the San Antonio Water System and SJWTX, Inc. to Transfer Retail Water and Sewer Service Areas in Kendall County (Transfer Agreement) to transfer SAWS’ water and sewer service areas in Kendall County to SJWTX; and

**WHEREAS**, Section 13.245 of the Texas Water Code requires consent from a city with a population of 500,000 or more prior to the Public Utility Commission of Texas (PUCT) granting a certificate of convenience and necessity within the ETJ of the city; and

**WHEREAS**, SJWTX has requested the City’s consent to its application to the PUCT for water and sewer CCNs in Kendall County, Texas that lie within the City’s ETJ; and

**WHEREAS**, SAWS has recommended the City consent to SJWTX’s application consistent with the Transfer Agreement; **NOW THEREFORE:**

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

**SECTION 1.** The City of San Antonio consents to the request by SJWTX, Inc. to obtain certificates of convenience and necessity from the Public Utility Commission of Texas to provide water and sewer service in those portions of Kendall County, Texas that lie within the City of San Antonio’s extraterritorial jurisdiction as contemplated in the Agreement Between the San Antonio Water System and SJWTX, Inc. to Transfer Retail Water and Sewer Service Areas in Kendall

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Item No. \_\_\_\_

County (Transfer Agreement), attached as **Exhibit A** and incorporated by reference hereto as if set out in the Resolution word for word.

**SECTION 2.** Consistent with Section 13.245 of the Texas Water Code, the City's consent is conditioned on compliance with Transfer Agreement.

**SECTION 3.** The City's consent is limited to retail water and sewer utility service provided by SJWTX, Inc., and any subsidiaries, including Canyon Lake Water Service Company. The City must consent to any future transfer of the CCNs from SJWTX to another retail public utility prior to filing an application with the Public Utility Commission of Texas.

**SECTION 4.** This Resolution shall become effective immediately upon the passage by eight (8) votes of the City Council and if passed upon fewer than eight (8) votes after the tenth (10<sup>th</sup>) day after passage.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

**M A Y O R**  
**Ron Nirenberg**

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Debbie Racca-Sittre, City Clerk

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Andrew Segovia, City Attorney