

RESOLUTION NO. 14-342

OF THE SAN ANTONIO WATER SYSTEM BOARD OF TRUSTEES AUTHORIZING THE ASSESSMENT OF A SPECIAL IMPACT FEE BY AGREEMENT FOR DEVELOPER CUSTOMERS CONNECTING TO SPECIFIC INFRASTRUCTURE; FINDING THE RESOLUTION TO HAVE BEEN CONSIDERED PURSUANT TO THE LAWS GOVERNING OPEN MEETINGS; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, significant improvements are required to some existing lift station and force main (LS/FM) systems in order to provide wastewater service to future developments within the applicable sewer sheds; and

WHEREAS, the LS/FM systems are located over the Edwards Aquifer Recharge and/or Contributing Zones, and/or collect wastewater flow from tracts located over the Edwards Aquifer Recharge and/or Contributing Zones; and

WHEREAS, replacement of some existing LS/FM systems with regional LS/FM systems and/or eliminating the LS/FM systems with gravity outfalls is desired to mitigate the San Antonio Water System (the "System") risk; and

WHEREAS, the proposed fee will be assessed in lieu of Developer Customers replacing existing LS/FM systems or installing redundant infrastructure to accommodate flow from the Developer Customer's specific development; and

WHEREAS, the proposed special impact fee by agreement would be used to fund regional LS/FM improvements and/or gravity mains; and

WHEREAS, the fee would be collected at the time of service connection, in addition to applicable impact fees; and

WHEREAS, once a gravity main is constructed, accepted by the System, and included in the impact fee Capital Improvement Plan (CIP), the fee will be discontinued, and the impact fee CIP will be reduced by the amount funded; and

WHEREAS, the proposed special impact fee by agreement of \$2,100.00 per equivalent dwelling unit (EDU) will apply to tracts along north Bandera Road, and \$2,060.00 per EDU to tracts along Evans Road. The System's staff may add additional areas if applicable; and

WHEREAS, capacity limitations and build out rates will need to be carefully monitored to ensure that projects are added to the System's annual Capital Improvement Plan as required; and

WHEREAS, the applicable projects may need to be designed and constructed by Developers if capacity is not available for a development before the System can design and construct same. If warranted, the System would use the funds to oversize the Developer project; and

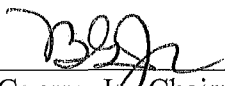
WHEREAS, ratepayers will fund a portion of the project while the fee is collected as development occurs; and

WHEREAS, the San Antonio Water System Board of Trustees desires (i) to authorize the assessment of a special impact fee by agreement for Developer Customers connecting to specific infrastructure, and (ii) to use funds collected through the proposed special impact fee by agreement to build regional lift station/force main systems and/or gravity mains; now, therefore:

BE IT RESOLVED BY THE SAN ANTONIO WATER SYSTEM BOARD OF TRUSTEES:

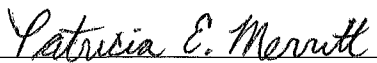
1. That the assessment of a special impact fee by agreement for Developer Customers connecting to specific infrastructure is hereby authorized.
2. That the use of the funds collected through the proposed special impact fee by agreement to build regional lift station/force main systems and/or gravity mains is hereby approved.
3. It is officially found, determined and declared that the meeting at which this resolution is adopted was open to the public, and that public notice of the time, place and subject matter of the public business to be conducted at such meeting, including this resolution, was given to all as required by the Texas Codes Annotated, as amended, Title 5, Chapter 551, Government Code.
4. If any part, section, paragraph, sentence, phrase or word of this resolution is for any reason held to be unconstitutional, illegal, inoperative or invalid, or if any exception to or limitation upon any general provision herein contained is held to be unconstitutional, illegal, invalid or ineffective, the remainder of this resolution shall nevertheless stand effective and valid as if it had been enacted without the portion held to be unconstitutional, illegal, invalid or ineffective.
5. This resolution shall take effect immediately upon its passage.

PASSED AND APPROVED on this 2nd day of December, 2014.



Berto Guerra, Jr., Chairman

ATTEST:



Patricia E. Merritt, Secretary