

RESOLUTION NO. 139-2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE SECOND AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN THE BRAZOS RIVER AUTHORITY, THE WEST CENTRAL TEXAS MUNICIPAL WATER DISTRICT, AND THE CITY OF ABILENE.

WHEREAS, Brazos River Authority (BRA), the West Central Texas Municipal Water District (WCTMWD), and the City of Abilene entered into an Interlocal Agreement with an Effective Date of March 10, 2005, as amended (the "Agreement"), to address matters including BRA's System Operation Permit application ("Application No. 5851") and related issues, including granting the City and/or the District an option to purchase water to be appropriated by BRA under Application No. 5851; and

WHEREAS, BRA, District, and City entered into an Amendment to Interlocal Agreement with an Effective Date of February 12, 2015 (the "Amendment"), clarifying obligations relating to option payments and potential BRA System Water available for purchase; and

WHEREAS, an existing BRA System Water customer recently relinquished contracted water to the BRA thus making available such water for sale; and

WHEREAS, the BRA has offered this surplus water for sale to City and/or the District, with such sale of water satisfying a portion of the BRA's obligation to provide water under the Agreement and Amendment as a preferential right and option to purchase BRA System Water; and

WHEREAS, there exists a pending new Surface Water Availability Agreement between the BRA and the City that provides the City the opportunity to purchase 7,200 acre-feet per annum of raw water made available from the BRA System Water; and

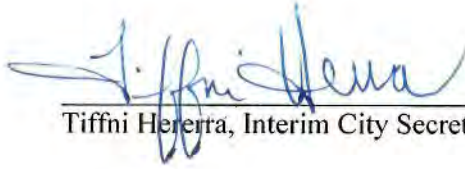
WHEREAS, the Second Amendment to Interlocal Agreement will reduce the total quantity of water made available by the Agreement and Amendment to 12,800 acre-feet; and

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

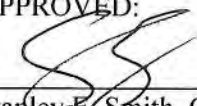
That the Mayor of the City of Abilene is authorized to execute the Second Amendment to Interlocal Agreement thus reducing the amount of BRA System Water made available under the Agreement and Amendment to an amount not exceed a volume of 12,800 acre-feet per annum.

ADOPTED this 2nd day of November, 2017.

ATTEST:


Tiffni Herrera, Interim City Secretary


Anthony Williams, Mayor

APPROVED:

Stanley E. Smith, City Attorney