

RESOLUTION NO. R-03-2010

A RESOLUTION OF THE CITY OF WIMBERLEY, TEXAS, AUTHORIZING THE MAYOR TO SIGN AN AMENDMENT TO THE WASTEWATER OPERATING AGREEMENT BETWEEN THE CITY OF WIMBERLEY AND THE GUADALUPE BLANCO RIVER AUTHORITY; PROVIDING FOR AN EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, the City of Wimberley ("City") entered into an Operating Agreement ("Agreement") with the Guadalupe Blanco River Authority ("GBRA") regarding the current and future wastewater services in the City; and,

WHEREAS, the City has amended its ordinances to require mandatory connection to a public wastewater system when it comes available in the future; and,

WHEREAS, it is necessary to amend the Agreement to reflect the City's ordinances and requirements; and,

WHEREAS, the City Council finds that the action authorized by this Resolution is in furtherance of the public interest, for the good government, peace, order, trade and commerce of the City and necessary and proper for carrying out the power granted by law to the City.

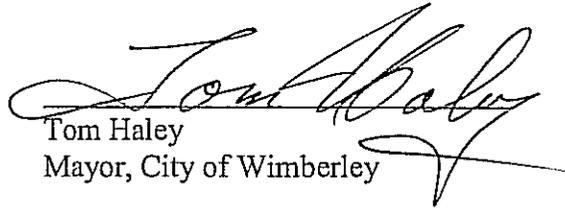
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WIMBERLEY, TEXAS:

1. That the City Council hereby approves and authorizes the Mayor to execute an amendment to the Operating Agreement with Guadalupe Blanco River Authority as set forth in the attached Exhibit "A", incorporated by reference for all purposes.
2. That the City Council hereby finds that the statements set forth in the recitals of this Resolution are true and correct, and the Council hereby incorporates such recitals as a part of this Resolution.
3. That this Resolution shall take effect immediately from and after its passage and publication as may be required by governing law.
4. That this Resolution was passed at a meeting that was open to the public and notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED AND APPROVED by the City Council of the City of Wimberley, Texas this 15th day of April, 2010.

(Signatures appear on the following page.)

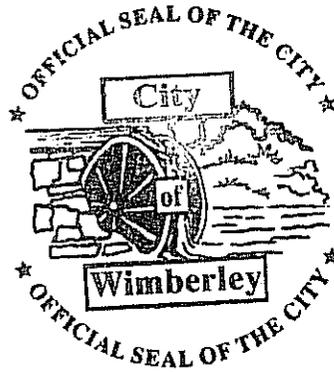
APPROVED:


Tom Haley
Mayor, City of Wimberley

ATTEST:


Cara McPartland
City Secretary, City of Wimberley

[seal]



FIRST AMENDMENT TO OPERATING AGREEMENT

This First Amendment to that certain Operating Agreement entered into by and between the City of Wimberley, Texas, a Type A general law municipal corporation ("Wimberley"), and the Guadalupe Blanco River Authority ("GBRA"), on April 2, 2002 ("Agreement"), regarding the development, permitting, design, construction and maintenance of a wastewater project as further described in said Agreement.

RECITALS

WHEREAS, GBRA has applied for a federal loan for financing of the construction of wastewater facilities and appurtenances within Wimberley; and

WHEREAS, as a condition to receive funding and to ensure successful operation of the wastewater project, connection to the wastewater project must be mandatory; and

WHEREAS, as authorized by state law and within the authority of its police powers, Wimberley has adopted regulations which mandate connection to a public wastewater project once it is operational; and

WHEREAS, the Parties desire to amend the Agreement to be consistent with Wimberley's regulations and ensure that funding from whatever source may be secured to fund the construction of a public wastewater project within Wimberley.

NOW THEREFORE, for the same consideration recited in that Agreement and for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the Parties, the Parties hereby agree to amend Section 3.3 (Preferred Service) by deleting paragraphs two and three in their entirety and adding the following paragraph to read as follows:

Wimberley agrees to impose by ordinance or other lawful means, to the extent Wimberley has the authority, all necessary requirements to mandate connections to the Wastewater Project. GBRA shall accept all connections to the Wastewater Project in accordance with the terms of the Operating Agreement and its rules and regulations.

Except as amended herein, the Agreement shall remain in full force and effect.

Expressly made effective this 30 day of April, 2010.

GUADALUPE BLANCO RIVER AUTHORITY

Dated: 4/30/10

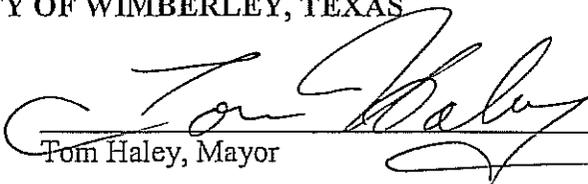
By: 
W. E. West, Jr., General Manager

APPROVED

LEGAL BW

CITY OF WIMBERLEY, TEXAS

Dated: 4/20/10

By: 
Tom Haley, Mayor