

RESOLUTION NO. __

**A RESOLUTION OF THE CITY COUNCIL OF SEGUIN, TEXAS
AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT
WITH MEADOW LAKE WATER CONTROL AND IMPROVEMENT
DISTRICT NO. 1; AND OTHER MATTERS IN CONNECTION
THEREWITH**

WHEREAS, the City Council of the City of Seguin, Texas (the *City*) adopted a resolution on July 5, 2022 consenting to the creation of Meadow Lake Water Control and Improvement District No. 1 (the *District*) to facilitate the repair of the Nolte Dam (the *Project*) (this resolution is attached hereto as Exhibit A and incorporated herein for all purposes); and

WHEREAS, the City Council adopted a resolution on August 15, 2023 finding that the integrity of the Nolte Dam serves a public purpose that warrants the expenditure of public funds and authorized the City Manager to spend \$5,000,000 (the *City's Contribution*) to assist with the Nolte Dam Project (this resolution is attached hereto as Exhibit B and is incorporated herein for all purposes); and

WHEREAS, the anticipated cost of the Project is \$20,836,408; and

WHEREAS, at an election held on November 7, 2023, the voters of the District authorized the District to issue bonds in an amount not to exceed \$15,840,000 to finance the Project (which takes into account the City's Contribution); and

WHEREAS, the City contemplates the issuance of its "City of Seguin, Texas Combination Tax and Limited Pledge Revenue Certificates of Obligation, Series 2024" (the *COs*) to provide funds, in part, for the City's Contribution; and

WHEREAS, the District will undertake the Project and contract with appropriate parties to complete the Project; and

WHEREAS, to memorialize the conditions by which the City will pay the City's Contribution to the District for the Project, the City and the District desire to enter into an interlocal agreement (the *Interlocal Agreement*, attached hereto as Exhibit C and incorporated herein for all purposes); and

WHEREAS, the Interlocal Agreement constitutes an interlocal cooperative agreement as authorized pursuant to the provisions of Chapter 791, as amended, Texas Government Code; and

WHEREAS, the adoption of the Interlocal Agreement and this Resolution is hereby found and determined to be in the best interest of the residents of the City; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF SEGUIN, TEXAS THAT:

SECTION 1: The City Council hereby approves and authorizes the Interlocal Agreement, attached hereto in substantially final form as Exhibit C. The City Council hereby authorizes the

City Manager to execute the Interlocal Agreement and any documents pertaining thereto and in furtherance of the City's performance under the Interlocal Agreement, on the City's behalf and such execution shall evidence the City's entering into such Interlocal Agreement and other documents pertaining thereto, as the acts and deeds of the City Council.

SECTION 2: The City Council hereby delegates to the City Manager all the powers necessary and incidental to the finalization of the terms of the Interlocal Agreement and any documents pertaining thereto and in furtherance of the City's performance under the Interlocal Agreement, subject to the limitations, if any, provided herein, pursuant to the general laws of the State of Texas.

SECTION 3: The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City.

SECTION 4: All resolutions and ordinances, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

SECTION 5: This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 6: If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid by a court of competent jurisdiction, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

SECTION 7: It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 8: This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

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PASSED AND ADOPTED on the ____ day of _____, 2024.

SEGUIN, TEXAS

Mayor

ATTEST:

City Secretary

(CITY SEAL)

EXHIBIT A

Resolution (July 5, 2022)

CITY OF SEGUIN

RESOLUTION NO.:

STATE OF TEXAS

A RESOLUTION OF THE CITY COUNCIL OF SEGUIN, TEXAS CONSENTING TO THE CREATION OF MEADOW LAKE WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 CONTAINING LAND WITHIN THE CITY LIMITS AND THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF SEGUIN, TEXAS

WHEREAS, the aging of the Nolte Dam currently presents potential safety concerns and the dewatering of the lake; and

WHEREAS, any failure of the Nolte Dam and dewatering of the lake will likely have a materially adverse effect on local property values, local businesses whose livelihood is related to the lake or lake recreation, and the ability of residents, tourists, and visitors to enjoy and use the lake; and

WHEREAS, certain real property being more particularly described in **Exhibit “A”** attached hereto (the “Property”) contiguous to, or in the vicinity of, Meadow Lake (formed by Nolte Dam) is located within the city limits and extraterritorial jurisdiction of the City of Seguin (the “City”); and

WHEREAS, the decrease in property values may adversely affect tax collections by the local governments, including the City, local school districts, and Guadalupe County; and

WHEREAS, the owners of lands within the Property desire to create a conservation and reclamation district to facilitate the repair or replacement of the dam and to provide financing for future maintenance and operation costs; and

WHEREAS, affected property owners desire that the City consent to the creation of a water control and improvement district to be named “Meadow Lake Water Control and Improvement District No. 1,” a proposed conservation and reclamation district of the State of Texas that would be created and would operate pursuant to Chapters 49 and 51 of the Texas Water Code (the “District”); and

WHEREAS, the general nature of the work proposed to be done by the District at the present time is to investigate, acquire, construct, own, maintain, and operate necessary improvements, works, and facilities, and all other properties, land, tenements, materials, easements, rights-of-way, and everything considered necessary, incident, or helpful to accomplish by any practicable means any one or more of the purposes of a water control and improvement district; and

WHEREAS, the territory proposed to be included in the District is described in **Exhibit A** attached hereto; and

WHEREAS, the City Council of the City of Seguin desires to adopt this Resolution in order to evidence the City’s desire to facilitate the repair of the Nolte Dam, and specifically to grant written consent to the creation of, and inclusion of the Property within, the District.

NOW THEREFORE BE IT RESOLVED by the City Council of Seguin, Texas:

Section 1. The City of Seguin, Texas hereby consents to the creation of the Meadow Lake Water Control and Improvement District No. 1, and the inclusion of real property located within the City's corporate or extraterritorial boundaries within the District. No further action will be required on the part of the City to evidence its consent to the creation of the District and inclusion of land into the District.

Section 2. This Resolution shall become effective from and after the date of its passage.

PASSED AND ADOPTED THIS 5th DAY OF JULY, 2022.

Donna Dodgen, Mayor

Attest:

Naomi Manski, City Secretary

EXHIBIT B

Resolution (August 15, 2023)

STATE OF TEXAS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEGUIN, TEXAS FINDING THAT THE INTEGRITY OF THE GUADALUPE RIVER AND ITS TRIBUTARIES ARE PART OF THE LIFELOOD OF SEGUIN AND PROTECTING THE NOLTE DAM SERVES A PUBLIC PURPOSE; AUTHORIZING THE CITY MANAGER TO SPEND \$_____, TO ASSIST THE MEADOW LAKE NOLTE DAM ASSOCIATION IN THE REPAIR OF THE DAM; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the Guadalupe River and its tributaries are part of the lifeblood of Seguin, providing both esthetic and economic benefits to the City that would greatly harm the City if those benefits disappear; and

WHEREAS, the hydro-electric dam on the Guadalupe River that holds the waters known as Meadow Lake needs to be repaired or replaced; and **WHEREAS**, the Meadow Lake Nolte Dam Association ("MLNDA") was formed to preserve the Meadow Lake shoreline and to protect the lake from undue exploitation and to cooperate with the Guadalupe Brazos River Authority ("GBRA") to maintain the lake in a safe condition; and

WHEREAS, a functional Nolte Dam also adds to flood mitigation and protection which is an important element for cities that lie along river banks where flooding is a part of the normal life cycle; and

WHEREAS, GBRA and MLNDA have been discussing the future of the dam, including the possibility of the MLNDA taking over operation of the dam; and

WHEREAS, GBRA has essentially agreed to allow the MLNDA to take over and operate the Nolte Dam if they can make the repairs, including the installation of an Oppenheimer Gate, that were recommended by Freese and Nichols; and

WHEREAS, in addition to the dam repair a lifting system for maintaining the gates must be installed; and

WHEREAS, the MLNDA cannot obtain sufficient funding to cover the entire cost of these repairs and must rely on grants and other funding sources; and

WHEREAS, the City of Seguin stands to lose recreational, economic, and esthetic benefits along with greater uncertainty for flood control if the dam is not repaired; and

WHEREAS, the expenditure of public funds in assistance of the Nolte Dam repair is vital to the survival of the Guadalupe River flows as now in existence.

NOW THEREFORE BE IT RESOLVED by the City Council of the Seguin, Texas:

SECTION 1. The City Council hereby finds that the above recitals are factually correct and adopts the above recitals as a part of this Resolution.

SECTION 2. The integrity of the Nolte Dam serves a public purpose that warrants the expenditure of public funds to insure its operation.

SECTION 3. The City Manager is hereby authorized to investigate the best means for the City to spend \$_____, to assist the Meadow Lake Nolte Dam Association in the repair of the Nolte Dam.

SECTION 4. The City Manager is further authorized to enter into agreements necessary to ensure that city funding is used solely for the Nolte Dam repair.

SECTION 5. This resolution is effective on the date of its passing.

PASSED AND APPROVED this 15th day of August 2023.

DONNA DODGEN, MAYOR

ATTEST:

Kimberly Allison
Deputy City Secretary

EXHIBIT C

Interlocal Agreement