

RESOLUTION NO. SSLGC R16-15

A RESOLUTION APPROVING THE STATE WATER IMPLEMENTATION REVENUE FUND FOR TEXAS FINANCING AGREEMENT BETWEEN THE SCHERTZ/SEGUIN LOCAL GOVERNMENT CORPORATION AND THE TEXAS WATER DEVELOPMENT BOARD AND OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, the Schertz/Seguin Local Government Corporation (the *Corporation*) previously submitted an application to the Texas Water Development Board (the *TWDB*) for financial assistance from its State Water Implementation Revenue Fund for Texas (*SWIRFT*); and

WHEREAS, the TWDB Board approved the Corporation's application requesting up to \$36,000,000 in SWIRFT financial assistance, and as a condition precedent to secure this financing assistance, the TWDB requires that the Corporation enter into a financing agreement (the *Financing Agreement*), in substantially the form attached hereto as Exhibit A; and

WHEREAS, in accordance with the rules and regulations of the TWDB Board, the Board of Directors (the *Board*) of the Corporation is required to adopt a resolution authorizing the execution of the Financing Agreement; now, therefore,

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SCHERTZ/SEGUIN LOCAL GOVERNMENT CORPORATION THAT:

1. The Board authorizes the execution of the Financing Agreement between the Corporation and the TWDB in substantially the form attached hereto as Exhibit A. The President of the Board, the Vice President of the Board, or the General Manager of the Corporation are also hereby authorized to approve any amendments or revisions to this Financing Agreement.

2. The President of the Board, the Vice President of the Board, or the General Manager of the Corporation is hereby authorized to execute and submit to the TWDB the Financing Agreement, and the President or Vice President of the Board or General Manager of the Corporation, together with Bond Counsel, Financial Advisor, and consulting engineers named in the SWIFRT application, are authorized to appear before the TWDB in support of the Financing Agreement.

3. The President of the Board, the Vice President of the Board, or the General Manager of the Corporation is further specifically authorized to make the required assurances to the TWDB concerning this financing in accordance with the rules, regulations, and policies of the TWDB.

4. 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 Corporation.

5. All resolutions, 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.

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

7. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the Corporation hereby declares that this Resolution would have been enacted without such invalid provision.

8. 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.

9. This Resolution shall take effect immediately upon its passage.

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PASSED, ADOPTED AND APPROVED on the 29th day of August, 2016.

SCHERTZ/SEGUIN LOCAL
GOVERNMENT CORPORATION

President, Board of Directors

Attest:

Secretary, Board of Directors

(SEAL)

EXHIBIT A

SWIRFT Financing Agreement

See Tab No. ____