

CITY OF EL PASO, TEXAS

AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: El Paso Water Utilities Public Service Board

AGENDA DATE: July 16, 2013

CONTACT PERSON/PHONE: Marcela Navarrete, Vice President Strategic, Financial and Management Services (915) 594-5614

DISTRICT(S) AFFECTED: Outside City limits

SUBJECT:

APPROVE a resolution / ordinance / lease to do what? **OR**
AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.

A Resolution granting the El Paso Water Utilities Public Service Board President/CEO the authority to apply for Texas Water Development Board (TWDB) grant funded, outside the city of El Paso projects for water and wastewater to include the authority to manage such projects. In such matters, the President/CEO shall be considered as acting on behalf of the City of EL Paso, Texas. (Contact Person: Marcela Navarrete, El Paso Water Utilities: 594-5614) [City Council meeting July 16, 2013]

BACKGROUND / DISCUSSION:

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?

Background:

By act of the 74th Texas Legislature, the City of El Paso was designated the regional water and wastewater planner for the El Paso region. There continues to be a need for water and wastewater services to outside the City of El Paso areas; however, the El Paso Water Utilities Public Service Board (EPWU) Rules and Regulations provide that the EPWU may not use in-city rate payments for water and wastewater projects outside of the City of El Paso. The Texas Water Development Board (TWDB) has grant funding available from various programs including, from time to time, through the State Economically Distressed Areas Program (EDAP), which could be applied for and used for water and wastewater projects outside of the City of El Paso.

The City of El Paso has determined that it is in the best interest of the citizens of El Paso and the El Paso watershed region that water and wastewater services be available to the maximum extent possible.

There remains a need for water and wastewater services for persons living outside the city limits of the City of El Paso. The El Paso Water Utilities Public Service Board has made available significant water and wastewater services to outside the City of El Paso people through the State of Texas grant funding of such projects. No in-city rate payments are allowed to be used for such purposes.

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The City of El Paso, in accordance with Chapter 1502, Texas Government Code, has vested the complete management and control of its water and wastewater system to an independent Board of Trustees, the El Paso Water Utilities Public Service Board (EPWU). The TWDB has indicated it would recognize for grants funding projects the City of El Paso's grant of authority to EPWU to apply for grant funding for water and wastewater projects outside the City of El Paso from the State of Texas and/or Texas Water Development Board, including EDAP grant projects along with the authority to manage such projects.

Please accept the enclosed Resolution for consideration and adoption by the City Council at its regular City Council meeting of July 16, 2013.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

Yes. The City Council in 2007, vested the complete management and control of its Municipal Drainage Utility System in the El Paso Water Utilities Public Service Board of Trustees.

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

The funding received as a result of any application to the Texas Water Development Board will be grant funding only. The City will have no financial obligations in the projects. El Paso Water Utilities Public Service Board of Trustees costs will be charged to any grant funded project.

BOARD / COMMISSION ACTION:

Enter appropriate comments or N/A

The El Paso Water Utilities Public Service Board has made a continuing commitment to provide water and wastewater service to outside of City of El Paso citizens provided that any such project is grant funded by the State of Texas.

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) _____ **FINANCE:** (if required) _____

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DEPARTMENT HEAD:



(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____ DATE: _____



TO: Joyce A. Wilson, City Manager
El Paso, Texas

FROM: Robert D. Andron, General Counsel
El Paso Water Utilities Public Service Board

A handwritten signature in blue ink that reads "R. Andron".

DATE: June 17, 2013

SUBJECT: Request to place Item on City Council Agenda:
Resolution: July 16, 2013

A Resolution granting the El Paso Water Utilities Public Service Board President/CEO the authority to apply for Texas Water Development Board (TWDB) grant funded, outside the city of El Paso projects for water and wastewater to include the authority to manage such projects. In such matters, the President/CEO shall be considered as acting on behalf of the City of EL Paso, Texas. (Contact Person: Marcela Navarrete, El Paso Water Utilities: 594-5614) [City Council meeting July 16, 2013]

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**RESOLUTION CONSIDERATION AND ADOPTION – City Council Agenda –July 16, 2013**

**Background**

By act of the 74<sup>th</sup> Texas Legislature, the City of El Paso was designated the regional water and wastewater planner for the El Paso region. There continues to be a need for water and wastewater services to outside the City of El Paso areas; however, the El Paso Water Utilities Public Service Board (EPWU) Rules and Regulations provide that the EPWU may not use in-city rate payments for water and wastewater projects outside of the City of El Paso. The Texas Water Development Board (TWDB) has grant funding available from various programs including, from time to time, through the State Economically Distressed Areas Program (EDAP), which could be applied for and used for water and wastewater projects outside of the City of El Paso.

The City of El Paso has determined that it is in the best interest of the citizens of El Paso and the El Paso watershed region that water and wastewater services be available to the maximum extent possible.

There remains a need for water and wastewater services for persons living outside the city limits of the City of El Paso. The El Paso Water Utilities Public Service Board has made available significant water and wastewater services to outside the City of El Paso people through the State of Texas grant funding of such projects. No in-city rate payments are allowed to be used for such purposes.

City Manager Joyce A. Wilson  
Department Memo, June 17, 2013  
Request for Item for City Council Agenda  
**Resolution-Consideration and Adoption – July 16, 2013**

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The City of El Paso, in accordance with Chapter 1502, Texas Government Code, has vested the complete management and control of its water and wastewater system to an independent Board of Trustees, the El Paso Water Utilities Public Service Board (EPWU). The TWDB has indicated it would recognize for grants funding projects the City of El Paso's grant of authority to EPWU to apply for grant funding for water and wastewater projects outside the City of El Paso from the State of Texas and/or Texas Water Development Board, including EDAP grant projects along with the authority to manage such projects.

Please accept the enclosed Resolution for consideration and adoption by the City Council at its regular City Council meeting of July 16, 2013.

#### ACTION REQUESTED

Consider and Adopt a Resolution granting the El Paso Water Utilities Public Service Board President/CEO the authority to apply for Texas Water Development Board (TWDB) grant funded, outside the city of El Paso projects for water and wastewater to include the authority to manage such projects. In such matters, the President/CEO shall be considered as acting on behalf of the City of EL Paso, Texas. (Contact Person: Marcela Navarrete, El Paso Water Utilities: 594-5614) [City Council meeting July 16, 2013]

#### REQUEST TO PLACE ITEM ON THE CITY COUNCIL AGENDA

Attached is a copy of the Resolution. Upon adoption of the Resolution, it is requested that the City Clerk provide to this office an original of the fully executed Resolution.

Please advise this office of the placement of this item on the City Council Agenda and my Secretary will contact the City Clerk and make arrangements to have document packets hand-delivered to the City Clerk's Office and email backup documents as noted to those listed below. If there are any questions, please call me at 594-5607 or email [bandron@epwu.org](mailto:bandron@epwu.org). El Paso Water Utilities Staff will attend the City Council meeting on Tuesday, August 14, 2012. Thank you for your kind attention to this matter.

#### Attachments

Cc: The Honorable Mayor John Cook (email)  
City Council Representatives (email)  
Sylvia Firth, City Attorney (email)  
Richarda Duffy-Momsen, City Clerk (hard copies & email)  
John E. Balliew, P.E., President/CEO El Paso Water Utilities Public Service Board (email)  
Marcela Navarrete, CPA, Vice President of Strategic, Financial & Management Services (email)

## **RESOLUTION**

**WHEREAS**, the City of El Paso, Texas finds that it is in the best interest of the citizens of the El Paso watershed region that water and wastewater services be available to the maximum extent possible;

**WHEREAS**, the Legislature of the State of Texas enacted Senate Bill 450, which, subject to an enabling Resolution of the City of El Paso City Council, named the City of El Paso, through its El Paso Water Utilities Public Service Board, as the regional water and wastewater planner for El Paso's watershed;

**WHEREAS**, the City of El Paso passed a Resolution on September 15, 1995, accepting the regional water and wastewater planner designation whereby the City of El Paso, through its El Paso Water Utilities Public Service Board is authorized to act as the regional water and wastewater planner in accordance with Senate Bill 450 as adopted by the 74<sup>th</sup> Texas Legislature;

**WHEREAS**, pursuant to El Paso Water Utilities Public Service Board Rules and Regulations, El Paso Water Utilities Public Service Board may not use in-city rate payments for water and wastewater projects outside of the City;

**WHEREAS**, the State of Texas/Texas Water Development Board has grant funding available from various programs including, from time to time, through the Economically Distressed Areas Program (EDAP), which could be applied for and used for water and wastewater projects outside of the City; and

**WHEREAS**, pursuant to its authority as a Home Rule City and Chapter 1502, Texas Government Code, the City of El Paso may vest the management and control of its water and wastewater utilities in an independent Board of Trustees, and has vested such management and control with its El Paso Water Utilities Public Service Board.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**Section 1.** The findings and recitations set forth hereinabove are true and correct and are adopted herein by this reference for all purposes.

**Section 2.** The City of El Paso hereby grants the authority to apply for funding through grants for water and wastewater projects from the State of Texas and/or Texas Water Development Board, including EDAP grant projects, and the authority to manage such projects, to the President/CEO of the El Paso Water Utilities Water Utilities Public Service Board. In such matters, the President/CEO of the El Paso Water Utilities Public Service Board shall be considered as acting on behalf of the City of El Paso.

**Section 3.** An original of this Resolution shall be provided to the President/CEO of the El Paso Water Utilities Public Service Board for use in attaching copies of same to any application or documentation required by the State of Texas acting by and through its Texas Water Development Board.

**Section 4.** Approved, passed and adopted by a majority vote of the City Council of the City of El Paso, Texas meeting in quorum in accordance with the Texas Open Meetings Act.

**ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013**

**THE CITY OF EL PASO, TEXAS**

\_\_\_\_\_  
Oscar Leeser  
Mayor

**ATTEST:**

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Sylvia Borunda Firth  
City Attorney