

RESOLUTION NO. R-2020-0230

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROUND ROCK, TEXAS REGARDING FINANCING OF WILLIAMSON COUNTY REGIONAL RAW WATER LINE; AUTHORIZING THE MAYOR, CITY MANAGER, AND CITY CLERK TO TAKE APPROPRIATE ACTIONS; AND DECLARING AN EFFECTIVE DATE

WHEREAS, Brazos River Authority (the "Authority") is an agency and political subdivision of the State of Texas, duly created and lawfully operating under Chapter 8502, Texas Special District Local Laws Code, as amended (the "Authority Act"), all pursuant to and in furtherance of the purposes of Article XVI, Section 59 of the Constitution of Texas; and

WHEREAS, pursuant to separate and individual contracts heretofore executed between the Authority, on one part, and the City of Georgetown ("Georgetown"), the City of Round Rock ("Round Rock"), and Brushy Creek Municipal Utility District ("Brushy Creek") (Georgetown, Round Rock and Brushy Creek are collectively referred to as the "Participants"), the Authority has contracted to make available to such parties water from Lake Stillhouse Hollow and to divert water from Lake Stillhouse Hollow to Lake Georgetown; and

WHEREAS, the Authority and Participants have previously entered into the "Williamson County Regional Raw Water Line Agreement", dated as of June 30, 1986, as amended by a multitude of amendatory and supplemental agreements thereto (collectively, the "Project Agreements"), which Project Agreements provide for the Authority to design, construct and operate facilities for transporting water from Lake Stillhouse Hollow committed to Participants to Lake Georgetown (the "Project") for diversion by them for municipal purposes; and

WHEREAS, the Authority and Participants have determined it is beneficial and in the best interests of the Participants to amend and restate such Project Agreements and to issue the hereinafter authorized bonds (the "Bonds") in order to refund the Brazos River Authority Contract Revenue and Improvement Bonds, Series 2011 (Williamson County Regional Raw Water Line Project) (the "Refunded Obligations") and to fund a Copper Ion Generator Project (defined below); and

WHEREAS, in order to clearly establish, authorize, ratify and confirm the contractual arrangements entered into by the Authority and the Participants and all actions taken by Round Rock in reliance on the Project Agreements, it is deemed to be appropriate to adopt this resolution.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROUND ROCK:

SECTION 1. That the City Council of Round Rock hereby incorporates the recitals set forth in the preamble hereto as if set forth in full at this place and further finds and determines that said recitals are true and correct.

SECTION 2. That the Amended and Restated Williamson County Regional Raw Water Line Agreement between the Authority and the Participants (the “A&R Project Agreement”), in the form presented to the City Council at this meeting, is hereby approved with such changes or modifications as may be approved by the City Manager, and the Mayor and City Secretary of the City are hereby authorized and directed to execute said agreement in the name of an on behalf of the City. With respect to the Project Agreements to which Round Rock is a party and the A&R Project Agreement, the actions of the City Council in authorizing the execution thereof, the authorization of, and the execution of such agreements by officers, officials and employees of Round Rock and all actions taken by Round Rock in reliance upon and pursuant to such agreements are hereby authorized, ratified and confirmed in all respects concurrently with the adoption of this resolution.

SECTION 3. That the Mayor, City Manager and City Clerk of Round Rock are hereby authorized and directed to execute, deliver and take all actions necessary and appropriate relating to the issuance of Bonds by the Authority for the purpose of refunding the Refunded Obligations and funding the Copper Ion Generator Project (as defined in the A&R Project Agreement), including without limitation the execution and delivery of a General Certificate and a Closing Certificate relating to the Bonds, in substantially the forms presented to the City Council at the meeting at which this resolution has been adopted, with such changes as may be required by the Texas Attorney General or the underwriters of said Bonds.

SECTION 4. That this resolution shall take effect immediately upon passage and all ordinances, orders and resolutions in conflict herewith are repealed to the extent of any such conflict.

RESOLVED this 27th day of August, 2020.

CRAIG MORGAN, Mayor
City of Round Rock, Texas

ATTEST:

SARA L. WHITE, City Clerk