

**RESOLUTION 2019 \_\_\_\_\_**

**RESOLUTION OF THE CITY OF SAN MARCOS, TEXAS, CONSENTING TO AND SUPPORTING THE CONVERSION OF MAXWELL WATER SUPPLY CORPORATION TO A SPECIAL UTILITY DISTRICT OPERATING UNDER CHAPTER 65, TEXAS WATER CODE; MAKING FINDINGS OF FACT; AND DECLARING AN EFFECTIVE DATE.**

**WHEREAS**, the City of San Marcos (“City”) finds that Maxwell Water Supply Corporation (“Corporation”) is a Texas non-profit, member-owned water supply corporation operating under Chapter 67 of the Texas Water Code, as amended; and

**WHEREAS**, the Corporation was created, organized and exists for the purpose of furnishing water and wastewater utility facilities and service to areas within its certificated service areas; and

**WHEREAS**, the Corporation’s service area extends into portions of the City’s extraterritorial jurisdiction; and

**WHEREAS**, on December 13, 2018, the Corporation’s membership voted in favor of converting the Corporation into a special utility district operating under Chapter 65 of the Texas Water Code due to the benefits and advantages a special utility district will provide the customers and the land within the Corporation’s service area; and

**WHEREAS**, Section 65.016 of the Texas Water Code provides that a special utility district may operate within the extraterritorial jurisdiction of a city, and a city may consent thereto; and

**WHEREAS**, Section 65.012 of the Texas Water Code authorizes special utility districts to: acquire and provide sources of water; build, operate, and maintain facilities for the transportation of water; to sell water to political subdivisions of this state, private business entities, and individuals; establish, operate, and maintain fire-fighting facilities to perform all fire-fighting activities within the district; and provide for the protection, preservation, and restoration of the purity and sanitary condition of water therein; and

**WHEREAS**, the City Council finds that the aforesaid services would benefit the health, safety and welfare of current and future inhabitants of the land and property to be included in the special utility district; and

**WHEREAS**, upon conversion to a special utility district, the Corporation will change its name to “Maxwell Special Utility District;” and

**WHEREAS**, although consent of the City is not required for the Corporation to convert to a special utility district, the City Council adopts this Resolution as an indication of consent and support for the Corporation;

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS,  
TEXAS:**

**PART 1.** The forgoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made part hereof for all purposes as findings of fact.

**PART 2.** The City Council hereby consents to and supports the conversion of Maxwell Water Supply Corporation to a special utility district operating under Chapter 65, Texas Water Code.

**PART 3.** This Resolution was duly considered and adopted at an open meeting of the City Council, pursuant to Chapter 552, Texas Government Code.

**PART 4.** This Resolution shall be in full force and effect immediately from and after its passage.

**ADOPTED** on \_\_\_\_\_, **2019.**

\_\_\_\_\_  
Jane Hughson, Mayor

ATTEST:

\_\_\_\_\_  
Jamie Lee Case  
City Clerk