

## **RESOLUTION 2010-21**

**A RESOLUTION REQUESTING FINANCIAL ASSISTANCE FROM THE FEDERAL EMERGENCY MANAGEMENT ADMINISTRATION THROUGH TEXAS WATER DEVELOPMENT BOARD FOR ASSISTANCE RELATED TO THE TIO CANO FLOOD CONTROL AND MITIGATION PROJECT; AUTHORIZING THE CITY MANAGER, CITY'S CONSULTANTS, FINANCIAL ADVISORS, BOND COUNSEL, AND ENGINEERS TO COORDINATE THE SUBMISSION OF ONE OR MORE APPLICATIONS TO THE TEXAS WATER DEVELOPMENT BOARD; AND OTHER MATTERS IN CONNECTION THEREWITH**

**WHEREAS**, there exists serious flooding and drainage problems in the area of Cameron County, Texas, (the "County") known as "Tio Cano" which lies north of and near the City of La Feria, Texas (the "City"), which area suffered serious flooding for many weeks as a result of Hurricane Dolly causing injury and loss to residents of the County;

**WHEREAS**, the flooding of "Tio Cano" also negatively impacts the overall drainage plan for the City and the surrounding area, which includes US Expressway 83 as the main evacuation route for the County in the event of a hurricane or other natural disaster;

**WHEREAS**, the City has taken the lead in developing a flood control and mitigation plan for "Tio Cano," including the initiating the process to apply for financial assistance from Federal Emergency Management Administration (FEMA) through the Texas Water Development Board (the Board) under its Flood Mitigation Assistance Program (FMA), or other applicable programs administered through the Board, in connection with the proposed "Tio Cano Flood Control and Mitigation Project" (the Project);

**WHEREAS**, the Project would serve to protect the health, safety and welfare of the citizens not only of the County but of the City as well;

**WHEREAS**, the Board has advised the City that under current federal and state laws and regulations that the County is required to be the named sub-applicant for such assistance in any application submitted for funding for the Project through FMA;

**WHEREAS**, the City has initiated a request with the governing body of the County to designate the City as the authorized agent for the County in submitting and administering any such applications;

**WHEREAS**, in accordance with the rules and regulations of the Board, which govern the procedures in making such applications, the governing body of the City is required to pass a resolution to accompany such applications which authorizes the City to act as agent for the County in all matters related to such applications;

**WHEREAS**, by action taken on June 8, 2010, the City Commission of the City passed, adopted and approved Resolution 2010-19 relating to such Project, but is now desirous of amending and modifying said Resolution 2010-19 as more particularly set forth below;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LA FERIA, TEXAS THAT:**

1. It is hereby found and determined that the City cannot reasonably finance the Project without cooperation and authority to act from the County and the financial assistance of the Board.

2. The City hereby requests that the County authorize the City to take all necessary action to request the Board grant financial assistance to the County/City in an amount not to exceed \$22,000,000 (in one or more grant applications as grant funds are or become lawfully available through the Board) for implementing the project, as designed by the City's consulting engineer, and the purchase of the necessary land and rights-of-way relating thereto, including the use of eminent domain on behalf of the County if necessary and authorized by law, and for the relocation of residents from affected areas into housing which is not subject to such flooding.

3. Subject to authorization being granted by the County, the City Manager is hereby authorized to execute and submit to the Board one or more applications on behalf of the County and the City for such financial assistance, and together with the City and its duly elected officials, city manager, bond counsel, financial advisors, consulting engineers and other agents named in such application(s), to appear before the Board in support of such application(s).

4. The City Manager is further specifically authorized to make the required assurances to the Board in accordance with the rules, regulations, and policies of the Board.

5. A certified copy of this resolution shall be attached to the application(s) for financial assistance herein authorized to be prepared and submitted to the Board, and the City Manager is authorized and directed to prepare and certify such number of copies of this resolution as may be required for purposes of supporting the submission of such application(s) to the Board.

6. 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.

7. All ordinances and resolutions, or parts thereof, including, but not limited to Resolution 2010-19, 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.

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


9. 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 County hereby declares that this Resolution would have been enacted without such invalid provision.

10. 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.

11 This Resolution shall be in force and effect from and after its passage on the date shown below.

**PASSED, ADOPTED AND APPROVED on the 22<sup>nd</sup> day of June 2010.**

**CITY OF LA FERIA, TEXAS**

By:   
\_\_\_\_\_  
**STEVE BREWER, Mayor**

**Attest:**

  
\_\_\_\_\_  
**OLGA OBERWETTER,**  
**City Secretary**

**(SEAL)**

**CERTIFICATE OF SECRETARY**

THE STATE OF TEXAS

COUNTY OF CAMERON

CITY OF LA FERIA

THE UNDERSIGNED HEREBY CERTIFIES that:

On the 22<sup>nd</sup> day of June 2010, the City Commission (the *Commission*) of the City of La Feria, Texas (the *City*) convened in regular session at its regular meeting place, being the La Feria City Hall (the *Meeting*), the duly constituted members of the Commission being as follows:

Steve Brewer	Mayor
Lori Weaver	Mayor Pro-Tem
John Edward Betancourt	Commissioner
John Hernandez	Commissioner
Victor Gonzalez, Jr.	Commissioner
Angelica P. Baldivia	Commissioner

and all of such persons were present at the Meeting, except the following: none absent, thus constituting a quorum. Among other business considered at the Meeting, the attached resolution (the *Resolution*) entitled:

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was introduced and submitted to the Commission for passage and adoption. After presentation and discussion of the Resolution, a motion was made by Commissioner John Betancourt that the Resolution be finally passed and adopted. The motion was seconded by Commissioner John Hernandez and carried by the following vote:

5 voted "For"      0 voted "Against"      0 abstained

all as shown in the official Minutes of the Commission for the Meeting.

2. The attached Resolution is a true and correct copy of the original on file in the official records of the City; the duly qualified and acting members of the Commission on the date of the Meeting are those persons shown above, and, according to the records of my office, each member of the Commission was given actual notice of the time, place, and purpose of the Meeting and had actual notice that the Resolution would be considered; and the Meeting and deliberation of the aforesaid public business, including the subject of the Resolution, was posted and given in advance thereof in compliance with the provisions of Chapter 551, as amended, Texas Government Code.

IN WITNESS WHEREOF, I have signed my name officially and affixed the seal of the City, this 22<sup>nd</sup> day of June 2010.



Olga Oberwetter  
City Secretary  
City of La Feria

(CITY SEAL)