RESOLUTION NO. 2008-R-46

RESOLUTION IN OPPOSITION TO AN APPLICATION BY THE LOWER COLORADO RIVER AUTHORITY FOR AN AMENDMENT TO WATER USE PERMIT NO. 5677 TO INCREASE THE AMOUNT OF WATER FOR EXEMPT INTERBASIN TRANSFER INTO THE BRAZOS RIVER BASIN FOR USE BY THE CITY OF LEANDER

WHEREAS the Lower Colorado River Authority (LCRA) has applied to the Texas Commission on Environmental Quality (TCEQ) for an amendment to Water Use Permit No. 5677 to increase the amount of water for exempt interbasin transfer into the Brazos River Basin for use by the City of Leander from 6,400 acre feet to 24,000 acre feet; and

WHEREAS the City of Round Rock, the City of Cedar Park, and the City of Leander have formed a local government corporation, the Brushy Creek Regional Utility Authority (the "BCRUA"), as a joint venture to, among other things, source additional water supply for their respective municipalities from Lake Travis; and

WHEREAS the City of Round Rock, the City of Cedar Park, the City of Leander, and their joint venture, the BCRUA, currently plan to construct a permanent deep-water intake facility, a raw water pipeline, and related facilities to pump up to 142 million gallons of water per day out of Lake Travis; and

WHERAS the City of Round Rock, the City of Cedar Park, the City of Leander, and their joint venture, the BCRUA, have identified a site within a residential area of the separately incorporated Village of Volente as the "best choice" for their non-Village of Volente related industrial deep-water intake facility, raw water pipeline, and related facilities; and

WHEREAS the Village of Volente is a single family residential community with a limited number of commercial businesses, most of which are recreational businesses related to the use of Lake Travis for recreational purposes; and

WHEREAS, the Village of Volente council has not zoned any areas within its corporate limits as an industrial zone because such uses are incompatible with the existing residential and commercial land uses within the Village of Volente; and

WHEREAS, the Village of Volente is a Type B General Law municipality, which by Texas law is limited to two square miles within its corporate limits because of its current population; and

WHEREAS, because of the provisions of Texas law under which the Village was incorporated, the Village does not have an extra-territorial jurisdiction; and

WHEREAS, due to the foregoing factors, a majority of the citizens of the Village are opposed to construction and operation of industrial facilities within the corporate limits of the Village of Volente; and

WHEREAS, the Village of Volente council strongly believes that an incorporated municipality such as the Village of Volente should be entitled to control development within its own municipal boundaries and should not be forced by other municipalities against its will to have the construction and operation of industrial facilities within its corporate limits ; and

WHEREAS, the Village of Volente council believes that the proposed industrial deep-water intake facility, raw water pipeline, and related facilities being designed and planned by the City of Round Rock, the City of Cedar Park, the City of Leander, and their joint venture, the BCRUA, would have a detrimental impact upon citizens of the Village of Volente if such facilities are located within the boundaries of the separately incorporated Village of Volente; and

WHEREAS, the Village of Volente council opposes interbasin transfers of water by the LCRA because it believes there is insufficient water in Lake Travis to provide for the water needs of Travis County, Texas, and the application requests that the additional water to City of Leander come from any source of supply available to the LCRA for use in Travis County now or in the future; and

WHEREAS, the Village of Volente council believes there is insufficient ground water available to support the development of the remaining areas of the Village of Volente and the Village of Volente's citizens will have to rely on the LCRA and the water in Lake Travis to meet their future water needs; and

WHEREAS, a municipal utility district (MUD) has been formed to provide the water for an approximate 300 acre residential development in the Village of Volente and the MUD is relying on there being water available to the LCRA in Lake Travis to sell to the MUD

THEREFORE, BE IT RESOLVED that the Village of Volente:

1. Opposes Application No. 5677A filed by the LCRA for an amendment to Water Use Permit No. 5677 to increase the amount of water for exempt interbasin transfer into the Brazos River Basin for use by the City of Leander; and

2. Requests the TCEQ hold a contested case hearing on Application No. 5677A; and

3. Authorizes the Mayor of the Village of Volente to request on behalf of the Village of Volente a contested case hearing on Application No. 5677A in accordance with the provisions set forth in the Notice of an Amendment to Water Use Permit published on October 23, 2008.

PASSED AND APPROVED this, the 11th day of November, 2008, by a vote of the Volente Village Council of 5 in favor to 0 opposed with 0 abstentions.

Jan Yenawine, Mayor

ATTEST:

Jennifer L. Zufelt, City Secretary