



## PROJECT FUNDING REQUEST

**BOARD DATE:** October 2, 2025

**Team Manager:** Candice De Lello

### ACTION REQUESTED

Consider approving by resolution a request from the City of Strawn (Palo Pinto County) to amend Texas Water Development Board Resolution No. 22-038 to authorize \$1,085,000 in additional financing from the Drinking Water State Revolving Fund for planning, design, and construction of a water system improvements project.

### STAFF RECOMMENDATION

☒ Approve      ☐ No Action

### BACKGROUND

The City of Strawn (City) is located in Palo Pinto County approximately 75 miles west of Fort Worth. The City provides water and wastewater services to a population of approximately 808 residents and 435 connections.

In May 2022, Texas Water Development Board (TWDB) approved a \$2,001,900 commitment to the City for planning, design, and construction of water system improvements. The City has experienced cost increases due to inflation. Project costs exceed the budget, and the City requires additional funds for planning, design, and construction to complete upgrades to its SCADA system and to provide an alternate power supply at its water system facilities as part of its Emergency Preparedness Plan (EPP).

### PROJECT NEED AND DESCRIPTION

The City needs to address Texas Commission on Environmental Quality (TCEQ) enforcement actions at its water treatment plant. The existing multimedia filters are severely deteriorating and are no longer reliable, creating an immediate risk to the City's ability to provide safe drinking water. In addition, the City experiences significant water loss that exceeds both apparent and real loss thresholds.

The City is requesting additional funds to complete upgrades to the City's SCADA system and to provide an alternate power supply at its water system facilities as part of its Emergency Preparedness Plan (EPP). The project proposes replacement of the three existing multimedia filters at the water treatment plant with new microfilters, construction of a new building, and installation of electrical, controls, piping, and related appurtenances. The project also proposes replacing all retail meters with new radio-read meters to reduce water loss below the apparent and real loss threshold. Additionally, the City plans to update their SCADA System and provide alternate power supply at their water system facilities to implement their EPP.

<b>COMMITMENT PERIOD:</b> TWELVE (12) MONTHS TO EXPIRE OCTOBER 31, 2026
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## PROJECT SCHEDULE

Task	Schedule Date
Closing	February 10, 2026
Engineering Feasibility Report Completion (End of Planning Phase)	January 15, 2026
Design Phase Completion	February 27, 2026
Start of Construction	May 10, 2026
Construction Completion	May 1, 2027

## KEY ISSUES

The City is currently in violation of TCEQ requirements for failing to comply with water quality, flow measurement, equipment, and installation requirements.

The City is requesting funding from the 2025 Drinking Water State Revolving Fund project reserve dedicated to a existing projects with cost increases.

### Attachments:

1. Financial Review
2. Project Budget
3. Resolution (25- )
4. Resolution (22-038)
5. Water Conservation Review
6. Location Map

# Financial Review

## City of Strawn

Attachment 1

Risk Score: 2B

Audit Reviewed: FY 2024

### Key Indicators

Indicator	Result	Benchmark
Population Growth, Average Annual 2010-2020	City: -1.88%	State: 1.49%
Top 10 Customers % of Total Revenue	15%	10-15%
Median Household Income as % of State	62%	100%
Days of Cash on Hand (3-year Average)	222 days	30-149 days
Net Fixed Assets/ Annual Depreciation	49 years	12-24 years
Debt Service Coverage Ratio	-0.70x	1.1x
Debt-to-Operating Revenues	3.19	4.00-5.99x
Unemployment Rate (June 2025)	County: 3.90%	State: 4.10%
Working Capital Ratio	1.77	> 1.0
Cash Balance Ratio	1.40%	0-9.99%
Household Cost Factor	4.21%	1.51-2.00%

### Key Risk Score Strengths

- The City's days of cash on hand is above the benchmark, indicating sufficient reserves for operating expenses.
- The City's working capital ratio exceeds the benchmark, indicating strong near-term liquidity and financial stability to cover operational needs and unexpected expenses.
- The City's high fixed assets to depreciation ratio indicates a well-maintained infrastructure and a solid reinvestment strategy, supporting long-term service delivery and financial stability

### Key Risk Score Concerns

- The City's top 10 water customers account for 15 percent of total revenues, with the largest customer representing just 2.29 percent.
- The City's debt service coverage ratio is currently 0.7x coverage due to a 2024 deficit of \$98,613 in the water and sewer fund, driven by rising payroll, contract services, and unplanned maintenance. The City implemented a \$6.06 monthly rate increase in October 2024. Additionally, the year-to-date financials show a 19 percent drop in operating expenses and a 14 percent rise in water sales revenue. If current trends continue, the system is projected to end 2025 with \$59,457 in net revenue, reducing the projected rate increase in the first year from \$41.22 to \$14.77 and an additional \$5.99 rate increase needed by 2031. The City continues to monitor the fund and adjust as needed to ensure coverage.
- The household cost factor of 4.21 exceeds the benchmark; however, the City has collected 96 percent of property taxes levied over the past three years, suggesting that household income levels have not impaired collections. The system has also seen an 11 percent increase in water connections and a 49 percent increase in revenues over the past five years. Additionally, the 2026 Regional Water Plan projects a 12.4 percent population increase by 2040.

**PLEDGE**

Legal Pledge Name	Tax and Surplus Waterworks and Sewer System Revenue
Type of Pledge	<input type="checkbox"/> Tax <input type="checkbox"/> Revenue <input checked="" type="checkbox"/> Tax & Revenue <input type="checkbox"/> Contract <input type="checkbox"/> Other
Revenue Pledge Level	<input type="checkbox"/> First <input type="checkbox"/> Second <input checked="" type="checkbox"/> Third <input type="checkbox"/> N/A

**RATES AND CHARGES**

Average Residential Use	Gallons/Month	Current Rates	Projected Rates (2031)	Current Household Cost Factor	Projected Household Cost Factor
Water	5,000	\$95.23	\$115.99	3.63	4.21
Wastewater	5,000	\$30.31	\$30.31		

**TAXES**

	2024 Tax Year Rate	Max Projected Tax Rate	Maximum Allowable Rate	3-Year Avg Current Tax Collections	Assessed Valuation
Maintenance & Operation	\$0.2372	\$0.2372	\$1.50	96%	\$41,301,885
Interest & Sinking	\$0.00	\$0.00			
Total Tax Rate	\$0.2372	\$0.2372			

**Cost Savings**

Based on a 30-year maturity schedule and current interest rates, the City could save approximately \$372,847 over the life of financing.

## Project Data Summary

<b>Responsible Authority</b>	City of Strawn
<b>Program</b>	DWSRF
<b>Commitment Number</b>	L1002252
<b>Project Number</b>	62926
<b>List Year</b>	2024
<b>Type of Pledge</b>	Combo Tax and Revenue
<b>Pledge Level (if applicable)</b>	Third Lien
<b>Legal Description</b>	\$1,085,000 City of Strawn, Texas Tax and Surplus Waterworks and Sewer System Revenue, Certificate of Obligation, Proposed Series 2025
<b>Tax-exempt or Taxable</b>	Tax-Exempt
<b>Refinance</b>	No
<b>Outlay Requirement</b>	Yes
<b>Disbursement Method</b>	Escrow
<b>Outlay Type</b>	Outlay = Escrow Release
<b>Qualifies as Disadvantaged</b>	Yes
<b>State Revolving Fund Type</b>	Non-Equivalency
<b>Financial Managerial &amp; Technical Complete</b>	Yes
<b>Phases Funded</b>	Planning, Design, and Construction
<b>Pre-Design</b>	Yes
<b>Project Consistent with State Water Plan</b>	Yes
<b>Water Conservation Plan</b>	Adopted
<b>Overall Risk Score</b>	2B

### PROJECT TEAM

<b>Team Manager</b>	<b>Financial Analyst</b>	<b>Engineering Reviewer</b>	<b>Environmental Reviewer</b>	<b>Attorney</b>
Candice DeLello	Raul Flores	Jose Garza	Brit Wilson	Walter Dean

ISSUE BEING EVALUATED  
FOR ILLUSTRATION PURPOSES ONLY  
City of Strawn

<b><u>\$1,085,000 City of Strawn, Texas Tax and Surplus Waterworks and Sewer System Revenue Certificates of Obligation, Proposed Series 2025</u></b>			
<b>Dated Date:</b>	<b>12/1/2025</b>	<b>Source:</b>	<b>DWSRF-NON-EQUIVALENCY</b>
<b>Delivery Date:</b>	<b>12/1/2025</b>	<b>Rate:</b>	<b>3.65%</b>
<b>First Interest:</b>	<b>3/15/2026</b>	<b>IUP Year:</b>	<b>2024</b>
<b>First Principal:</b>	<b>3/15/2027</b>	<b>Case:</b>	<b>Tax and Revenue</b>
<b>Last Principal:</b>	<b>3/15/2055</b>	<b>Admin.Fee:</b>	<b>\$21,275</b>
<b>Fiscal Year End:</b>	<b>09/30</b>	<b>Admin. Fee Payment Date:</b>	<b>12/1/2025</b>
<b>Required Coverage:</b>	<b>1.1</b>		

FISCAL YEAR	PROJECTED	CURRENT	\$1,085,000 ISSUE				TOTAL DEBT SERVICE	COVERAGE
	NET SYSTEM REVENUES	DEBT SERVICE	PRINCIPAL PAYMENT	INTEREST RATE	INTEREST PAYMENT	TOTAL PAYMENT		
2026	\$131,208	\$89,739	\$0	-	\$29,542	\$29,542	\$119,280	1.10
2027	155,696	89,242	15,000	1.96%	37,300	52,300	141,542	1.10
2028	155,914	89,735	15,000	1.97%	37,005	52,005	141,740	1.10
2029	155,914	89,104	15,000	2.00%	36,708	51,708	140,812	1.11
2030	155,914	89,464	15,000	2.14%	36,397	51,397	140,861	1.11
2031	160,329	89,746	20,000	2.29%	36,008	56,008	145,753	1.10
2032	160,329	89,976	20,000	2.48%	35,531	55,531	145,507	1.10
2033	160,329	89,088	20,000	2.57%	35,026	55,026	144,114	1.11
2034	160,329	45,188	25,000	2.71%	34,430	59,430	104,617	1.53
2035	160,329	44,925	30,000	2.86%	33,662	63,662	108,587	1.48
2036	160,329	45,686	30,000	3.02%	32,780	62,780	108,466	1.48
2037	160,329	45,374	30,000	3.14%	31,856	61,856	107,230	1.50
2038	160,329	45,085	35,000	3.23%	30,820	65,820	110,905	1.45
2039	160,329	45,796	35,000	3.31%	29,675	64,675	110,472	1.45
2040	160,329	45,502	35,000	3.38%	28,505	63,505	109,006	1.47
2041	160,329	45,166	35,000	3.44%	27,311	62,311	107,477	1.49
2042	160,329	44,851	40,000	3.49%	26,011	66,011	110,862	1.45
2043	160,329	45,536	40,000	3.58%	24,597	64,597	110,133	1.46
2044	160,329	45,212	40,000	3.63%	23,155	63,155	108,367	1.48
2045	160,329	44,854	45,000	3.68%	21,601	66,601	111,455	1.44
2046	160,329	44,513	45,000	3.72%	19,936	64,936	109,449	1.46
2047	160,329	44,145	50,000	3.76%	18,159	68,159	112,304	1.43
2048	160,329	43,791	50,000	3.79%	16,272	66,272	110,062	1.46
2049	160,329	44,410	50,000	3.81%	14,372	64,372	108,782	1.47
2050	160,329	44,016	55,000	3.82%	12,369	67,369	111,385	1.44
2051	160,329	44,623	55,000	3.82%	10,268	65,268	109,890	1.46
2052	160,329	44,211	55,000	3.83%	8,164	63,164	107,375	1.49
2053	160,329	45,783	55,000	3.84%	6,055	61,055	106,837	1.50
2054	160,329	19,336	65,000	3.84%	3,751	68,751	88,087	1.82
2055	160,329	18,890	65,000	3.85%	1,251	66,251	85,141	1.88
		\$1,652,985	\$1,085,000		\$738,511	\$1,823,511	\$3,476,496	

<b>AVERAGE (MATURITY) LIFE</b>	<b>18.64 YEAR</b>
<b>NET INTEREST RATE</b>	<b>3.652%</b>
<b>COST SAVINGS</b>	<b>\$372,847</b>
<b>AVERAGE ANNUAL REQUIREMENT</b>	<b>\$60,78</b>

*Disclaimer: This is a working document and is provided as a courtesy. All information contained herein, including the proposed interest rate, is subject to change upon further review of the TWDB in accordance with 31 Texas Administrative Code Chapters 363, 371, 375, or 384, as applicable. The TWDB does not function as a financial advisor to anyone in connection with this financing. The information contained in this document is used by TWDB staff to analyze the application for financing is illustrative only and does not constitute any guaranty of future rates. The TWDB makes no claim regarding the applicability of the information at closing, at which time actual rates will be set.*



**Project Budget Summary**  
**City of Strawn**  
**62926 - Water Treatment Improvements**

Budget Items	Previous Commitments	This Commitment	Total
<b>Construction</b>			
Construction	\$0	\$725,000	\$725,000
Combined Construction Contracts CID-01 & 02	\$1,447,548	\$0	\$1,447,548
<b>Subtotal for Construction</b>	<b>\$1,447,548</b>	<b>\$725,000</b>	<b>\$2,172,548</b>
<b>Basic Engineering Services</b>			
Construction Engineering	\$21,000	\$7,000	\$28,000
Design	\$84,000	\$63,000	\$147,000
Planning	\$50,000	\$20,000	\$70,000
<b>Subtotal for Basic Engineering Services</b>	<b>\$155,000</b>	<b>\$90,000</b>	<b>\$245,000</b>
<b>Special Services</b>			
Application	\$10,000	\$5,000	\$15,000
Environmental	\$25,000	\$15,000	\$40,000
Inspection	\$75,000	\$38,000	\$113,000
O&M Manual	\$20,000	\$0	\$20,000
Permits	\$20,000	\$0	\$20,000
Pilot Testing	\$25,000	\$0	\$25,000
Surveying	\$10,000	\$5,000	\$15,000
Testing	\$25,000	\$0	\$25,000
Water Conservation Plan	\$5,000	\$0	\$5,000
<b>Subtotal for Special Services</b>	<b>\$215,000</b>	<b>\$63,000</b>	<b>\$278,000</b>
<b>Fiscal Services</b>			
Bond Counsel	\$24,690	\$20,000	\$44,690
Financial Advisor	\$30,000	\$19,000	\$49,000
Fiscal/Legal	\$2,500	\$1,085	\$3,585
Issuance Costs	\$1,810	\$1,750	\$3,560
Loan Origination Fee	\$15,157	\$21,275	\$36,432
<b>Subtotal for Fiscal Services</b>	<b>\$74,157</b>	<b>\$63,060</b>	<b>\$137,217</b>
<b>Contingency</b>			
Contingency	\$110,195	\$143,940	\$254,135
<b>Subtotal for Contingency</b>	<b>\$110,195</b>	<b>\$143,940</b>	<b>\$254,135</b>
<b>Total</b>	<b>\$2,001,900</b>	<b>\$1,085,000</b>	<b>\$3,086,900</b>

A RESOLUTION OF THE TEXAS WATER DEVELOPMENT BOARD  
AMENDING TWDB RESOLUTION NO. 22-038 TO PROVIDE ADDITIONAL FINANCIAL  
ASSISTANCE TO THE CITY OF STRAWN, TEXAS THROUGH THE PROPOSED  
ISSUANCE OF \$1,085,000 CITY OF STRAWN TEXAS TAX AND WATERWORKS AND  
SEWER SYSTEM SURPLUS REVENUE CERTIFICATES OF OBLIGATION, PROPOSED  
SERIES 2025

(25- )

WHEREAS, at its May 11, 2022 meeting, the Texas Water Development Board (TWDB), by TWDB Resolution No. 22-038, made a commitment to provide financial assistance to the City of Strawn (City) for the purpose of financing improvements to the City's water system in the amount of \$2,001,900, consisting of the TWDB's purchase of \$773,000 City of Strawn, Texas Tax and Waterworks and Sewer System Surplus Revenue Certificates of Obligation, Proposed Series 2022 and \$1,228,900 in principal forgiveness from the Drinking Water State Revolving Fund program, all as is more specifically set forth in the TWDB's Resolution and accompanying documentation, to which documents express reference is made; and

WHEREAS, by letter dated June 11, 2025, the City has requested that the TWDB amend its previous Resolution No. 22-038 to provide additional financial assistance to enable the improvements of its water system; and

WHEREAS, in accordance with the Texas Water Code, the TWDB has carefully considered all matters required by law; and

Findings:

The TWDB finds that the amendment to the amount of financial assistance is reasonable and that the request is in the public interest and will serve a public purpose; and

The term of the Obligations does not exceed the expected useful life of the project proposed by the City.

NOW, THEREFORE, based on these considerations and findings, the TWDB resolves as follows:

1. A commitment is made by the TWDB to the City of Strawn for financial assistance in the amount of \$1,085,000 from the Drinking Water State Revolving Fund through the TWDB's proposed purchase of \$1,085,000 City of Strawn, Texas Tax and Waterworks and Sewer System Surplus Revenue Certificates of Obligation, Proposed Series 2025. This commitment will expire on October 31, 2026.
2. All other terms and conditions of TWDB Resolution No. 22-038 shall remain in full force and effect.

APPROVED and ordered of record this 2nd day of October 2025.



TEXAS WATER DEVELOPMENT BOARD

\_\_\_\_\_  
L'Oreal Stepney, P.E., Chairwoman

DATE SIGNED: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Bryan McMath, Executive Administrator

A RESOLUTION OF THE TEXAS WATER DEVELOPMENT BOARD  
APPROVING AN APPLICATION FOR FINANCIAL ASSISTANCE IN THE AMOUNT OF  
\$2,001,900 TO THE CITY OF STRAWN  
FROM THE DRINKING WATER STATE REVOLVING FUND  
THROUGH THE PROPOSED PURCHASE OF  
\$773,000 CITY OF STRAWN, TEXAS  
TAX AND WATERWORKS AND SEWER SYSTEM SURPLUS REVENUE  
CERTIFICATES OF OBLIGATION, PROPOSED SERIES 2022  
AND  
\$1,228,900 IN PRINCIPAL FORGIVENESS

(22-038)

WHEREAS, the City of Strawn, Texas (City), located in Palo Pinto County, has filed an application for financial assistance in the amount of \$2,001,900 from the Drinking Water State Revolving Fund (DWSRF) to finance the planning, design, and construction of certain water system improvements identified as Project No. 62926; and

WHEREAS, the City seeks financial assistance from the Texas Water Development Board (TWDB) through the TWDB's proposed purchase of \$773,000 City of Strawn, Texas Tax and Waterworks and Sewer System Surplus Revenue Certificates of Obligation, Proposed Series 2022 (together with all authorizing documents (Obligations)), and the execution of a Principal Forgiveness Agreement in an amount of \$1,228,900, all as is more specifically set forth in the application and in recommendations of the TWDB's staff; and

WHEREAS, the City has offered a pledge of ad valorem taxes and surplus revenues from the City's waterworks and sewer system as sufficient security for the repayment of the Obligations; and

WHEREAS, the commitment is approved for funding under the TWDB's pre-design funding option, and initial and future releases of funds are subject to 31 TAC § 371.13; and

WHEREAS, the TWDB hereby finds:

1. that the revenue and/or taxes pledged by the City will be sufficient to meet all the Obligations assumed by the City, in accordance with Texas Water Code § 15.607;
2. that the application and assistance applied for meet the requirements of the Safe Drinking Water Act, 42 U.S.C. §§ 300f *et seq.* as well as state law, in accordance with Texas Water Code § 15.607;
3. that the City has submitted a proposed program of water conservation for the more efficient use of water that will meet reasonably anticipated local needs and conditions and that incorporates practices, techniques or technology prescribed by the Texas Water Code and TWDB's rules;

4. that the TWDB has approved a regional water plan for the region of the state that includes the area benefiting from the project and the needs to be addressed by the project will be addressed in a manner that is consistent with the approved regional and state water plans, as required by Texas Water Code § 16.053(j);
5. that a current water audit required by Texas Water Code § 16.0121 and 31 TAC § 358.6 has been completed by the City and filed with the TWDB in accordance with Texas Water Code § 16.053(j);
6. that the City meets the definition of “Disadvantaged Community” in 31 TAC § 371.1(23) and is therefore eligible for principal forgiveness in the amount of \$928,900;
7. that the City meets the definition of a very small system in accordance with the current Intended Use Plan, and is therefore eligible for principal forgiveness in the amount of \$300,000; and
8. the City is therefore eligible for principal forgiveness through the DWSRF in a total amount not to exceed \$1,228,900.

NOW, THEREFORE, based on these findings, the TWDB resolves as follows:

A commitment is made by the TWDB to the City of Strawn, Texas for financial assistance in the amount of \$2,001,900 from the Drinking Water State Revolving Fund through the TWDB’s proposed purchase of \$773,000 City of Strawn, Texas Tax and Waterworks and Sewer System Surplus Revenue Certificates of Obligation, Proposed Series 2022 and the execution of a Principal Forgiveness Agreement in the amount of \$1,228,900. This commitment will expire on November 30, 2022.

Such commitment is conditioned as follows:

Standard Conditions:

1. this commitment is contingent on a future sale of bonds by the TWDB or on the availability of funds on hand;
2. this commitment is contingent upon the issuance of a written approving opinion of the Attorney General of the State of Texas stating that all of the requirements of the laws under which said Obligations were issued have been complied with; that said Obligations were issued in conformity with the Constitution and laws of the State of Texas; and that said Obligations are valid and binding obligations of the City;
3. this commitment is contingent upon the City’s compliance with all applicable requirements contained in 31 TAC Chapter 371;

4. the Obligations must provide that the City agrees to comply with all of the conditions set forth in the TWDB Resolution, which conditions are incorporated herein;
5. the Obligations must provide that the Obligations can be called for early redemption on any date beginning on or after the first interest payment date which is 10 years from the dated date of the Obligations, at a redemption price of par, together with accrued interest to the date fixed for redemption;
6. the City, or an obligated person for whom financial or operating data is presented to the TWDB in the application for financial assistance either individually or in combination with other issuers of the City's Obligations or obligated persons, will, at a minimum, regardless of the amount of the Obligations, covenant to comply with requirements for continuing disclosure on an ongoing basis substantially in the manner required by Securities and Exchange Commission (SEC) in 17 CFR § 240.15c2-12 (Rule 15c2-12) and determined as if the TWDB were a Participating Underwriter within the meaning of such rule, such continuing disclosure undertaking being for the benefit of the TWDB and the beneficial owners of the City's Obligations, if the TWDB sells or otherwise transfers such Obligations, and the beneficial owners of the TWDB's bonds if the City is an obligated person with respect to such bonds under SEC Rule 15c2-12;
7. the Obligations must contain a provision requiring the City to levy a tax and/or maintain and collect sufficient rates and charges, as applicable, to produce system funds in an amount necessary to meet the debt service requirements of all outstanding obligations and to maintain the funds established and required by the Obligations;
8. the Obligations must include a provision requiring the City to use any loan proceeds from the Obligations that are determined to be remaining unused funds, which are those funds unspent after the original approved project is completed, for enhancements to the original project that are explicitly approved by the Executive Administrator or, if no enhancements are authorized by the Executive Administrator, requiring the City to submit a final accounting and disposition of any unused funds;
9. the Obligations must include a provision requiring the City to use any loan proceeds from the Obligations that are determined to be surplus funds remaining after completion of the project and completion of a final accounting in a manner as approved by the Executive Administrator;
10. the Obligations must contain a provision that the TWDB may exercise all remedies available to it in law or equity, and any provision of the Obligations that restricts or limits the TWDB's full exercise of these remedies shall be of no force and effect;

11. loan proceeds are public funds and, as such, the Obligations must include a provision requiring that these proceeds shall be held at a designated state depository institution or other properly chartered and authorized institution in accordance with the Public Funds Investment Act, Government Code, Chapter 2256, and the Public Funds Collateral Act, Government Code, Chapter 2257;
12. loan proceeds shall not be used by the City when sampling, testing, removing or disposing of contaminated soils and/or media at the project site. The Obligations shall include an environmental indemnification provision wherein the City agrees to indemnify, hold harmless and protect the TWDB from any and all claims, causes of action or damages to the person or property of third parties arising from the sampling, analysis, transport, storage, treatment and disposition of any contaminated sewage sludge, contaminated sediments and/or contaminated media that may be generated by the City, its contractors, consultants, agents, officials, and employees as a result of activities relating to the project to the extent permitted by law;
13. prior to closing, the City shall submit documentation evidencing the adoption and implementation of sufficient system rates and charges and/or the levy of an interest and sinking tax rate (if applicable) sufficient for the repayment of all system debt service requirements;
14. prior to closing, and if not previously provided with the application, the City shall submit executed contracts for engineering and, if applicable, financial advisor and bond counsel contracts, for the project that are satisfactory to the Executive Administrator. Fees to be reimbursed under the contracts must be reasonable in relation to the services performed, reflected in the contract, and acceptable to the Executive Administrator;
15. prior to closing, when any portion of the financial assistance is to be held in escrow or in trust, the City shall execute an escrow or trust agreement, approved as to form and substance by the Executive Administrator, and shall submit that executed agreement to the TWDB;
16. the Executive Administrator may require that the City execute a separate financing agreement in form and substance acceptable to the Executive Administrator;
17. the TWDB retains the option to purchase the Obligations in separate lots and/or on an installment basis, with delivery of the purchase price for each installment to be paid against delivery of the relevant installment of Obligations as approved by the Executive Administrator;
18. the Obligations must provide that the City will comply with all applicable TWDB laws and rules related to the use of the financial assistance;

19. the Obligations must provide that the City must comply with all conditions as specified in the final environmental finding of the Executive Administrator when issued, including the standard emergency discovery conditions for threatened and endangered species and cultural resources;
20. the Obligations must contain a provision requiring the City to maintain insurance coverage sufficient to protect the TWDB's interest in the project;

Conditions Related to Tax-Exempt Status:

21. the City's bond counsel must prepare a written opinion that states that the interest on the Obligations is excludable from gross income or is exempt from federal income taxation. Bond counsel may rely on covenants and representations of the City when rendering this opinion;
22. the City's bond counsel opinion must also state that the Obligations are not "private activity bonds." Bond counsel may rely on covenants and representations of the City when rendering this opinion;
23. the Obligations must include a provision prohibiting the City from using the proceeds of this loan in a manner that would cause the Obligations to become "private activity bonds" within the meaning of section 141 of the Internal Revenue Code of 1986, as amended (Code) and the Treasury Regulations promulgated thereunder (Regulations);
24. the Obligations must provide that no portion of the proceeds of the loan will be used, directly or indirectly, in a manner that would cause the Obligations to be "arbitrage bonds" within the meaning of section 148(a) of the Code and Regulations, including to acquire or to replace funds which were used, directly or indirectly, to acquire Nonpurpose Investments (as defined in the Code and Regulations) which produce a yield materially higher than the yield on the TWDB's bonds that are issued to provide financing for the loan (Source Series Bonds), other than Nonpurpose Investments acquired with:
  - a. proceeds of the TWDB's Source Series Bonds invested for a reasonable temporary period of up to three (3) years after the issue date of the Source Series Bonds until such proceeds are needed for the facilities to be financed;
  - b. amounts invested in a bona fide debt service fund, within the meaning of section 1.148-1(b) of the Regulations; and
  - c. amounts deposited in any reasonably required reserve or replacement fund to the extent such amounts do not exceed the least of maximum annual debt service on the Obligations, 125% of average annual debt service on the Obligations, or 10 percent of the stated principal amount (or, in the case of a discount, the issue price) of the Obligations;

25. the Obligations must include a provision requiring the City take all necessary steps to comply with the requirement that certain amounts earned on the investment of gross proceeds of the Obligations be rebated to the federal government in order to satisfy the requirements of section 148 of the Code. The Obligations must provide that the City will:
- a. account for all Gross Proceeds, as defined in the Code and Regulations, (including all receipts, expenditures and investments thereof) on its books of account separately and apart from all other funds (and receipts, expenditures and investments thereof) and retain all records of such accounting for at least six years after the final Computation Date. The City may, however, to the extent permitted by law, commingle Gross Proceeds of its Loan with other money of the City, provided that the City separately accounts for each receipt and expenditure of such Gross Proceeds and the obligations acquired therewith;
  - b. calculate the Rebate Amount, as defined in the Code and Regulations, with respect to its Loan, not less frequently than each Computation Date, in accordance with rules set forth in section 148(f) of the Code, section 1.148-3 of the Regulations, and the rulings thereunder. The City shall maintain a copy of such calculations for at least six years after the final Computation Date;
  - c. as additional consideration for the making of the Loan, and in order to induce the making of the Loan by measures designed to ensure the excludability of the interest on the TWDB's Source Series Bonds from the gross income of the owners thereof for federal income tax purposes, pay to the United States the amount described in paragraph (b) above within 30 days after each Computation Date;
  - d. exercise reasonable diligence to assure that no errors are made in the calculations required by paragraph (b) and, if such error is made, to discover and promptly to correct such error within a reasonable amount of time thereafter, including payment to the United States of any interest and any penalty required by the Regulations;
26. the Obligations must include a provision prohibiting the City from taking any action that would cause the interest on the Obligations to be includable in gross income for federal income tax purposes;
27. the Obligations must provide that the City will not cause or permit the Obligations to be treated as "federally guaranteed" obligations within the meaning of section 149(b) of the Code;

28. the transcript must include a No Arbitrage Certificate or similar Federal Tax Certificate setting forth the City's reasonable expectations regarding the use, expenditure and investment of the proceeds of the Obligations;
29. the Obligations must contain a provision that the City will refrain from using the proceeds provided by this TWDB commitment or the proceeds of any prior bonds to pay debt service on another issue more than 90 days after the date of issue of the Obligations in contravention of the requirements of section 149(d) of the Code (relating to advance refundings);
30. the transcript must include evidence that the information reporting requirements of section 149(e) of the Code will be satisfied. This requirement may be satisfied by filing an IRS Form 8038 with the Internal Revenue Service. In addition, the applicable completed IRS Form 8038 or other evidence that the information reporting requirements of section 149(e) have been satisfied must be provided to the Executive Administrator within fourteen (14) days of closing. The Executive Administrator may withhold the release of funds for failure to comply;
31. the Obligations must provide that neither the City nor a related party thereto will acquire any of the TWDB's Source Series Bonds in an amount related to the amount of the Obligations to be acquired from the City by the TWDB;

State Revolving Fund Conditions:

32. the City shall submit outlay reports with sufficient documentation on costs on a quarterly or monthly basis in accordance with TWDB outlay report guidelines;
33. the Obligations must include a provision stating that all laborers and mechanics employed by contractors and subcontractors for projects shall be paid wages at rates not less than those prevailing on projects of a similar character in the locality in accordance with the Davis-Bacon Act, and the U.S. Department of Labor's implementing regulations. The City, all contractors, and all sub-contractors shall ensure that all project contracts mandate compliance with Davis-Bacon. All contracts and subcontracts for the construction of the project carried out in whole or in part with financial assistance made available as provided herein shall insert in full in any contract in excess of \$2,000 the contracts clauses as provided by the TWDB;
34. the Obligations must include a provision stating that the City shall provide the TWDB with all information required to be reported in accordance with the Federal Funding Accountability and Transparency Act of 2006, Pub. L. 109-282, as amended by Pub. L. 110-252. The City shall obtain a Data Universal Numbering System (DUNS) Number and shall register with System for Award Management (SAM), and maintain current registration at all times during which the Obligations are outstanding;



35. the Obligations shall provide that all loan proceeds will be timely and expeditiously used, as required by 40 CFR § 35.3135(d), and also shall provide that the City will adhere to the approved project schedule;
36. Obligations and Principal Forgiveness Agreement must contain a covenant that the City will abide by all applicable construction contract requirements related to the use of iron and steel products produced in the United States, as required by 31 TAC § 371.4 and related State Revolving Fund Policy Guidelines;

Drinking Water State Revolving Fund Conditions:

37. the City shall pay at closing an origination fee approved by the Executive Administrator of the TWDB pursuant to 31 TAC Chapter 371;
38. prior to closing, the Texas Commission on Environmental Quality, must make a determination, the form and substance of which is satisfactory to the Executive Administrator, that the City has demonstrated the necessary financial, managerial, and technical capabilities to proceed with the project or projects to be funded with the proceeds of these Obligations;
39. prior to the release of funds for professional consultants including, but not limited to, the engineer, financial advisor, and bond counsel, as appropriate, the City must provide documentation that it has met all applicable state procurement requirements as well as all federal procurement requirements under the Disadvantaged Business Enterprises program;

Pledge Conditions for the Loan:

40. the Obligations must contain a provision that provides as follows:
  - a. if system revenues are actually on deposit in the Interest and Sinking Fund in advance of the time when ad valorem taxes are scheduled to be levied for any year, then the amount of taxes which otherwise would have been required to be levied and collected may be reduced to the extent and by the amount of revenues then on deposit in the Interest and Sinking Fund; or
  - b. if surplus revenues are based upon budgeted amounts:
    - i. the Obligations must include a requirement that the City transfer and deposit in the Interest and Sinking Fund each month an amount of not less than 1/12th of the annual debt service on the Obligations until the amount on deposit in the Interest and Sinking Fund equals the amount required for annual debt service on the Obligations; further, that the ordinance authorizing the issuance of the Obligations must include a requirement that the City shall not transfer any funds from the City's pledged system revenues to any fund other than the Interest

and Sinking Fund until such time as an amount equal to the annual debt service on the Obligations for the then-current fiscal year has been deposited in the Interest and Sinking Fund;

- ii. the Obligations must include a requirement that for each year the Obligations are outstanding, and prior to the time taxes are to be levied for such year, the City shall establish, adopt, and maintain an annual budget that provides for either the monthly deposit of sufficient surplus pledged revenues and/or tax revenues, the monthly deposit of any other legally available funds on hand at the time of the adoption of the annual budget, or a combination thereof, into the Interest and Sinking Fund for the repayment of the Obligations; and
- iii. the Obligations must include a requirement that the City shall at all times maintain and collect sufficient rates and charges in conjunction with any other legally available funds so that after payment of the costs of operating and maintaining the system, it produces revenues in an amount not less than 1.10 times debt service requirements of all outstanding Obligations of the City and other obligations of the City which are secured in whole or in part by the pledged revenues, for which the City is budgeting the repayment of such Obligations, or the City shall provide documentation which evidences the levy and collection of an ad valorem tax rate dedicated to the Interest and Sinking Fund, in conjunction with any other legally available funds, sufficient for the repayment of debt service requirements;

PROVIDED, however, the commitment is subject to the following special conditions:


Special Conditions:

- 41. prior to closing, the City shall adopt and implement the water conservation program approved by the TWDB.
- 42. prior to closing, the City shall execute a Principal Forgiveness Agreement in a form and substance acceptable to the Executive Administrator;
- 43. the Principal Forgiveness Agreement must include a provision stating that the City shall return any principal forgiveness funds that are determined to be surplus funds in a manner determined by the Executive Administrator;
- 44. prior to the release of funds, the City shall provide a schedule of the useful life of the project components prepared by an engineer as well as a certification by the applicant that the average weighted maturity of the obligations purchased by the TWDB does not exceed 120% of the average estimated useful life of the project, as determined by the schedule; and

45. prior to closing, the City shall submit a 2021 audit, the form and substance of which is satisfactory to the Executive Administrator.

APPROVED and ordered of record this 11th day of May 2022.

TEXAS WATER DEVELOPMENT BOARD

  
Brooke T. Paup  
Brooke T. Paup, Chairwoman

DATE SIGNED: May 11, 2022

ATTEST:

A Lavin  
Amanda Lavin, Assistant Executive Administrator

Review Date:

Project ID:

Water

Wastewater

Other

WATER CONSERVATION REVIEW

Entity:

Other entity:

WATER CONSERVATION PLAN DATE:		Approvable	Adopted
	Total GPCD	Residential GPCD	Water Loss GPCD
Baseline			
5-year Goal			
10-year Goal			

WATER LOSS AUDIT YEAR:	Validation Required:	Validation Performed:
Service connections:	Length of main lines (miles):	Water Loss GCD:
Retail population:	Connections per mile:	Water Loss GPCD:
		ILI:
		Real Loss GMD:

WATER LOSS THRESHOLDS	Water Loss Project:		Waiver Requested:	
Wholesale Adjusted:	Apparent Loss GCD		Real Loss GCD	
Threshold Type:	Reported	Threshold	Reported	Threshold
Does the applicant meet Water Loss Threshold Requirements?	Yes	No	NA	

ADDITIONAL INFORMATION

STAFF NOTES AND RECOMMENDATIONS

## DEFINITIONS

**Adopted** refers to a water conservation plan that meets the minimum requirements of the water conservation plan rules and has been formally approved and adopted by the applicant's governing body.

**Apparent losses** are paper losses that occur when the water reaches a customer, but the volume is not accurately measured and/or recorded due to unauthorized consumption, customer meter inaccuracy, or billing system and collection data errors.

**Approvable** refers to a water conservation plan that substantially meets the minimum requirements of the water conservation plan rules but has not yet been adopted by the applicant's governing body.

**Best Management Practices** are voluntary efficiency measures that save a quantifiable amount of water, either directly or indirectly, and that can be implemented within a specific time frame.

**GPCD** means gallons per capita per day.

**GCD** means gallons per connection per day.

**GMD** means gallons per mile per day.

**Infrastructure Leakage Index (ILI)** is the current annual real loss divided by the unavoidable annual real loss (theoretical minimum real loss) and only applies to utilities with more than 3,000 connections and a connection density of more than 16 connections per mile. The **ILI** is recommended to be less than 3 if water resources are greatly limited and difficult to develop, between 3 and 5 if water resources are adequate to meet long-term needs but water conservation is included in long-term water planning, and between 5 and 8 if water resources are plentiful, reliable, and easily extracted. The **ILI** is recommended as a bench marking tool, but until there is increased data validity of the variables used in the calculation, the **ILI** should be viewed with care.

**NA** means not applicable.

**Real losses** are the physical losses, largely leakage, from the infrastructure: mains, valves, and storage tank overflows. Real loss constitutes background leakage (unreported and difficult to detect), unreported leakage (leaks that do not surface but could be detected), and reported leakage (leaks that often surface and those that are detected by the utility through leak detection).

**Residential GPCD** is the amount of residential water use (single and multi-family customer use) divided by the residential population divided by 365.

**Total GPCD** is the amount of total system input volume divided by the retail population divided by 365.

**Total water loss** is the sum of the apparent and real water losses.

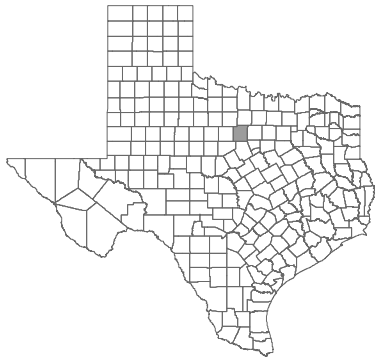
**Water loss** is the difference between the input volume and the authorized consumption within a water system. Water Loss consists of real losses and apparent losses.

**Water Loss GPCD** is the amount of water loss divided by the retail population divided by 365.

**Water Loss per Connection per Day** Calculated as the water loss volume divided by the number service connections divided by 365. This indicator allows for reliable performance tracking in the water utility's efforts to reduce water losses. It replaces water loss percentage.

**Water Loss Thresholds** are levels of real and apparent water loss determined by the connection density of a retail public utility, at or above which a utility receiving financial assistance from the Texas Water Development Board must use a portion of that financial assistance to mitigate the utility's system water loss.

**Wholesale Adjusted** represents that some utilities provide large volumes of wholesale water to other providers that travel through the general distribution system, so a calculation has been established to adjust for that volume of wholesale water. These adjustments are only applicable for use in determining whether a utility meets or exceeds water loss thresholds in review of their application for financial assistance. These adjustments should not be used for performance tracking or benchmarking.



**City of Strawn  
Palo Pinto County**

