

RESOLUTION AND ORDER NO. 02-17-869

OF THE BOARD OF DIRECTORS OF THE EDWARDS AQUIFER AUTHORITY TO RENEW THE AGREEMENT WITH BBVA COMPASS BANK FOR CENTRAL DEPOSITORY SERVICES FOR THE PERIOD BEGINNING MARCH 1, 2017 THROUGH FEBRUARY 28, 2018, AND TO AUTHORIZE THE GENERAL MANAGER TO EXECUTE THE NECESSARY DOCUMENTS TO EFFECTUATE THE RENEWAL OF THE AGREEMENT.

WHEREAS, the Edwards Aquifer Authority (“EAA”) was created in 1993 by the Edwards Aquifer Authority Act of May 30, 1993, 73rd Leg., R.S., ch. 626, 1993 Tex. Gen. Laws 2350; as amended (“Act”); and

WHEREAS, under Section 1.02 of the Act, the EAA is a conservation and reclamation district created by virtue of Article XVI, Section 59 of the Texas Constitution, and is a governmental agency and body politic and corporate vested with the full authority to exercise the powers and to perform the functions specified in the Act; and

WHEREAS, under Section 1.08(a) of the Act, the EAA has all the powers, rights, and privileges necessary to manage, conserve, preserve, and protect the Edwards Aquifer (“Aquifer”) and to increase the recharge of, and prevent the waste or pollution of water in, the Aquifer; and

WHEREAS, on February 10, 2015, the Board of Directors (“Board”) of the EAA approved the “Bank Depository Services Agreement” (“Agreement”) with BBVA Compass Bank to be effective March 1, 2015, for the EAA’s funds for the two-year period beginning March 1, 2015, and ending February 28, 2017, with an option to renew for three additional one-year periods; and

WHEREAS, EAA staff is satisfied with the services provided by BBVA Compass Bank and, in accordance with Section 1 of the Agreement, desires to renew its depository relationship with BBVA Compass Bank for an additional one-year period; and

WHEREAS, pursuant to Section 1.11(d)(2) of the Act, the EAA may enter into contracts; and

WHEREAS, pursuant to Sections 36.155 and 49.156, Texas Water Code, and Section 9.10(d) of the Bylaws of the EAA, the EAA may designate a central depository for its funds; and

WHEREAS, on January 24, 2017, the Finance/Administrative Committee voted to recommend the Board adopt a resolution and order of the Board to renew the Agreement with BBVA Compass Bank for a first one-year renewal period beginning March 1, 2017, and ending February 28, 2018, and to authorize the General Manager to execute the necessary documents to effectuate the renewal of the Contract; and

WHEREAS, the Agreement was reviewed by EAA legal counsel prior to Board approval; and

WHEREAS, a regular meeting of the Board was held on February 14, 2017, at 3:00 p.m., notice of public meeting having been duly and properly posted in accordance with Chapter 551, Texas Government Code; and

WHEREAS, the Board duly considered the Agenda Item that is the subject of this Resolution and Order; and

WHEREAS, a majority of the Directors of the Board were present and constituted a quorum of the Board; and

WHEREAS, a vote of the majority of the quorum of the Board present passed on, voted in favor of, and adopted the following resolution and order; and

WHEREAS, it is in the public interest that the EAA have central depository banking services for the management of the EAA's public funds.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE BOARD OF DIRECTORS OF THE EDWARDS AQUIFER AUTHORITY THAT:

- Section 1. The recitals set out above are found to be true and correct, and they are hereby adopted by the Board of Directors and are made a part of this Resolution and Order for all purposes.
- Section 2. The Board of Directors hereby approves a first one-year renewal of the Agreement with BBVA Compass Bank for central depository services for the period beginning March 1, 2017 through February 28, 2018.
- Section 3. The General Manager is authorized to execute any necessary documents in furtherance of this resolution of this resolution and order to effectuate the renewal of the Agreement under the same terms as the current Agreement.
- Section 4. This Resolution shall become effective from and after its adoption.

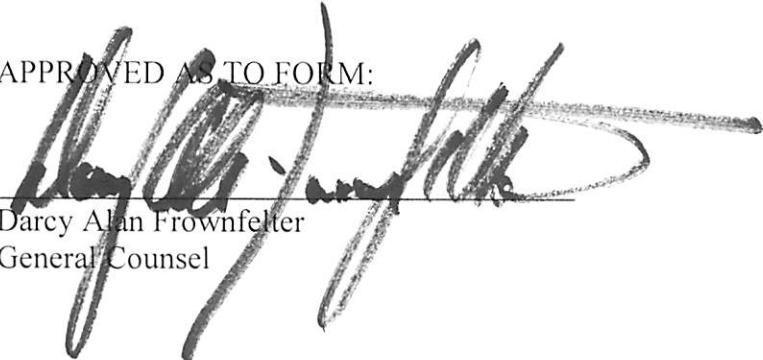
PASSED AND APPROVED BY THE BOARD OF DIRECTORS OF THE EDWARDS AQUIFER AUTHORITY THIS 14TH DAY OF FEBRUARY 2017.

Luana Buckner
Chairman of the Board

ATTEST:

Enrique P. Valdivia
Secretary, Board of Directors

APPROVED AS TO FORM:



Darcy Alan Frownfelter
General Counsel