

RESOLUTION AND ORDER NO. 09-22-035

OF THE EDWARDS AQUIFER AUTHORITY BOARD OF DIRECTORS
APPROVING RENEWAL OF THE INTERLOCAL COOPERATION
CONTRACTS BETWEEN THE EAA AND THE TEXAS MUNICIPAL
LEAGUE INTERGOVERNMENTAL RISK POOL FOR PROPERTY,
CASUALTY AND WORKERS' COMPENSATION SELF-INSURANCE
SERVICES IN AN AMOUNT NOT TO EXCEED \$139,376, FOR THE
PERIOD BEGINNING OCTOBER 1, 2022, THROUGH OCTOBER 1, 2023.

WHEREAS, the Edwards Aquifer Authority (EAA) was created by the Edwards Aquifer Authority Act, 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 to, and prevent the waste or pollution of water in, the Aquifer; and

WHEREAS, under Section 49.211(a), Texas Water Code, the EAA has all the functions, powers, authority, rights, and duties that will permit it to accomplish the purposes for which it was created and the purposes authorized by the Constitution, the Texas Water Code, or any other law; and

WHEREAS, under Section 1.11(d)(5) and (6) of the Act, the EAA may hire an executive director (the General Manager) to be its chief administrator and the General Manager may be delegated the power to hire other employees to carry out the EAA's duties and powers; and

WHEREAS, under Section 1.11(d)(2) of the Act, and other applicable law, the EAA may enter into contracts; and

WHEREAS, under Section 49.057(a), Texas Water Code, the EAA may contract with all persons, firms, partnerships, corporations, or other entities, public or private, deemed necessary by the EAA Board of Directors (Board) for the conduct of the affairs of the EAA; and

WHEREAS, under Section 49.213(b), Texas Water Code, the EAA may enter into contracts with any person or any public or private entity in the performance of any purpose or function permitted by the EAA; and

WHEREAS, under Section 49.213(c)(7), Texas Water Code, the EAA may enter into contracts with persons or any public or private entities on the terms and conditions the Board may consider desirable, fair, and advantageous for, among other things, the exercise of any rights, powers, and duties granted to the EAA; and

WHEREAS, pursuant to Section 49.070, Texas Water Code, the EAA may contract “with any insurance company authorized to write [Texas Workers’ Compensation Act] policies”; and

WHEREAS, under Section 791.003(4) of the Interlocal Cooperation Act, Chapter 791, Texas Government Code (ICA), the EAA and the Texas Municipal League (TML) are “local governments”; and

WHEREAS, under the authority of Section 791.011(a) of the ICA, on or about May 29, 2002, the EAA and TML entered into an interlocal cooperation contract for TML to provide to the EAA property and casualty self-insurance services, and on or about June 25, 2002, the EAA and TML entered into an interlocal cooperation contract for TML to provide to the EAA workers’ compensation self-insurance services, which contracts have been renewed annually since that time; and

WHEREAS, under Section 791.003(3) of the ICA, the activities that are the subject of the interlocal cooperation contracts are governmental functions and services because they involve the public health and welfare, planning, engineering, and/or other governmental functions in which the parties are mutually interested; and

WHEREAS, Section 11.02(b) of the EAA Bylaws requires that any agreement, contract, or any other procurement instrument whose value exceeds \$100,000 be approved by a written resolution of the Board; and

WHEREAS, the total amount to be paid to the TML Intergovernmental Risk Pool for the period from October 1, 2022, through October 1, 2023, under the terms of the contracts will exceed \$100,000; and

WHEREAS, the contracts with TML were reviewed by EAA legal counsel prior to Board approval; and

WHEREAS, a regular meeting of the Board of the EAA was held on September 13, 2022, at 4:00 p.m., notice of public meeting having been duly and properly posted in accordance with Chapter 551, Texas Government Code; and

WHEREAS, an agenda item was duly listed in the notice of public meeting that is the subject of this Resolution and Order; and

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

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

WHEREAS, a vote of the majority of the quorum of the Board in attendance passed on, voted in favor of, and adopted the following Resolution and Order; and

WHEREAS, it in the public interest that the EAA renew its contracts with TML for TML to provide property, casualty, and workers' compensation self-insurance.

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 EAA Board of Directors hereby approves renewal of the contracts between the EAA and TML in an amount not to exceed \$139,376 for property, casualty, and workers' compensation self-insurance services for the period October 1, 2022, through October 1, 2023.
- Section 3. The General Manager is authorized to take any necessary steps to renew the contracts and release payment.
- Section 4. This Resolution and Order shall become effective from and after its adoption.

PASSED AND APPROVED BY THE BOARD OF DIRECTORS OF THE EDWARDS AQUIFER AUTHORITY THIS THE 13TH DAY OF SEPTEMBER 2022.

Luana Buckner
Chairman, Board of Directors

ATTEST:

Benjamin F. Youngblood III
Secretary, Board of Directors

APPROVED AS TO FORM:

Darcy Alan Frownfelter
General Counsel