

RESOLUTION AND ORDER NO. 03-24-084

OF THE EDWARDS AQUIFER AUTHORITY BOARD OF
DIRECTORS DECLARING CERTAIN PERSONAL PROPERTY OF
THE EAA TO BE SURPLUS AND AUTHORIZING THE GENERAL
MANAGER TO SELL OR OTHERWISE DISPOSE OF THE SURPLUS
EAA PROPERTY

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 49.226, Texas Water Code, the EAA is authorized to dispose of personal property that is surplus to the needs of the EAA; and

WHEREAS, the EAA has issued bylaws to implement Section 49.226, which are found at Article XV, Sections 15.01, 15.02, and 15.03 of the EAA’s Bylaws; and

WHEREAS, the General Manager has identified items of personal property that are no longer needed by the EAA and require disposal; and

WHEREAS, the items of personal property identified by the General Manager are set out in Exhibit A, which is attached to this Resolution and Order and incorporated herein for all purposes; and

WHEREAS, the General Manager has estimated the original approximate value of each item of personal property contained in Exhibit A to be greater than \$300; and

WHEREAS, EAA funds were used to obtain each item of personal property contained in Exhibit A; and

WHEREAS, a regular meeting of the Board of Directors (“Board”) of the EAA was held on March 12, 2024, at 1:00 p.m., notice of public meeting having been duly and properly posted in accordance with Chapter 551, Texas Government Code; and

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

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

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

WHEREAS, the Board has determined that each item of personal property contained in Exhibit A is surplus and no longer needed by the EAA; and

WHEREAS, the Board has determined that it is in the public interest that the personal property in Exhibit A be disposed of according to applicable law and the procedures of the EAA.

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 of and directs the disposal of the surplus personal property contained in Exhibit A, attached hereto.
- Section 3. The General Manager is directed to conduct a public and/or private sale to dispose of the personal property identified in Exhibit A.
- Section 4. The General Manager is directed to give written notice of any public sale to be conducted, stating the place, day and hour of the sale and post the notice at least fourteen (14) days before the scheduled time of the sale on a bulletin board convenient to the public at the business office of the EAA at 900 East Quincy, San Antonio, Texas.
- Section 5. The General Manager may also provide additional public notice, such as via publication in area newspapers, announcement on the EAA website, etc., as he may deem appropriate.
- Section 6. In the event the General Manager conducts a private sale, the General Manager is directed to develop a list of individuals or organizations that may have a particular interest in the type or category of personal property that is being surplused.
- Section 7. The General Manager is directed to give written notice of any private sale to those persons or entities identified by the EAA, stating the place, day and hour of the sale. The notice shall be distributed 14 days before the scheduled time of the sale.
- Section 8. Notices of public or private sale shall include a list of each item of surplused personal property for sale.
- Section 9. The General Manager shall conduct all sales using the sealed bid format, selecting the bid most advantageous to the EAA.
- Section 10. The General Manager shall accept all reasonable offers and is further authorized to require any buyer to enter into such agreements or contracts as the General Manager, at his discretion, finds reasonable and proper to complete the sale and delivery of any item of personal property.

- Section 11. If there is no willing buyer at a public or private sale, the General Manager may, at his discretion, attempt another public or private sale, or the personal property may be abandoned, released, exchanged or transferred to another district, municipality, county, countywide agency or authority upon terms deemed necessary or advantageous to the EAA.
- Section 12. If the value of any given item of personal property identified in Exhibit A is determined to be equal to or less than \$300, then the personal property may be abandoned, released, exchanged or transferred to another district, municipality, county, countywide agency or authority upon terms deemed necessary or advantageous to the EAA.
- Section 13. The General Manager is authorized, in lieu of a public or private sale, to exchange the personal property for other personal property needed by the EAA for an equivalent fair market value. This value may be determined by the General Manager.
- Section 14. The General Manager is authorized to execute any documents necessary in furtherance hereof to effectuate the surplussing of the property identified in Exhibit A.
- Section 15. 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 12TH DAY OF MARCH, 2024.

Enrique Valdivia
Chairman, Board of Directors

ATTEST:

Benjamin F. Youngblood, III
Secretary, Board of Directors

APPROVED AS TO FORM:

Darcy Alan Frownfelter
General Counsel

EXHIBIT A
Edwards Aquifer Authority

Non-Capital Asset Recommended for Surplus

Morgan Building, Model No. 1424K0TBCSS1, Metal with Peaked Roof, 14' x 24'