

RESOLUTION AND ORDER NO. 10-17-886

OF THE EDWARDS AQUIFER AUTHORITY BOARD OF DIRECTORS APPROVING CONTRACT NO. 17-870-AFS BETWEEN THE EAA AND GONAZALEZ MAINTENANCE CONSTRUCTION FOR THE PURCHASE, DELIVERY, AND INSTALLATION OF FENCING MATERIALS AND SECURITY GATES IN AN AMOUNT NOT TO EXCEED \$134,600, FOR THE PERIOD OCTOBER 11, 2017, THROUGH FEBRUARY 28, 2018, AND AUTHORIZING THE GENERAL MANAGER TO EXECUTE THE CONTRACT.

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

WHEREAS, under Section 1.02(a) of the Act, the EAA is a conservation and reclamation district created pursuant to 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, pursuant to Section 1.11(d)(2) of the Act, and other applicable law, the EAA may enter into contracts; and

WHEREAS, pursuant to Sections 36.062(a) and 49.062(a), Texas Water Code, the EAA is authorized to maintain a regular office for conducting its business; and

WHEREAS, under Section 49.211(a), Texas Water Code, the EAA has the functions, powers, authority, rights, and duties that will permit it to accomplish the purposes for which it was created or the purposes authorized by the constitution, the Texas Water Code, or any other law; 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 of Directors ("Board") of the EAA may consider desirable, fair, and advantageous for, among other things, the exercise of any rights, powers, and duties granted to the EAA; and

WHEREAS, on September 26, 2017, the Finance/Administrative Committee voted to recommend the Board adopt a resolution and order approving the contract between the EAA and

Gonzalez Maintenance Construction, for the purchase, delivery, and installation of perimeter fencing and security gates at the main offices of the EAA, for a total amount not exceed \$134,600, for the period October 11, 2017, through February 28, 2018, and authorizing the General Manager to execute the contract; and

WHEREAS, Article 10.02(b) of the EAA's Bylaws requires that any purchase orders, agreements and contracts whose value exceeds \$100,000 be approved by a written resolution issued by the Board; and

WHEREAS, the total amount to be paid to Gonzalez Maintenance Construction for the purchase and installation of fencing and security gates will exceed \$100,000; and

WHEREAS, the Contract has been reviewed by the EAA legal counsel prior to Board approval; and

WHEREAS, a regular meeting of the Board was held on October 10, 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, 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 of the Board were present and constituted a quorum; and

WHEREAS, a vote of the majority of the quorum 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 enter into the Contract.

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 Contract No. 17-870-AFS between the EAA and Gonzalez Maintenance Construction for the purchase, delivery, and installation of perimeter fencing and security gates at the main offices of the EAA, for a total amount not exceed \$134,600, for the period October 11, 2017, through February 28, 2018.
- Section 3. The General Manager is authorized to execute and delivery the Contract attached hereto and release payments as required by the Contract.
- Section 3. 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 10TH DAY OF OCTOBER 2017.

Luana Buckner
Chairman of the Board

ATTEST:

Enrique P. Valdivia
Secretary, Board of Directors

APPROVED AS TO FORM:



Darcy Alan Frownfelter
General Counsel