

RESOLUTION AND ORDER NO. 11-17-889

OF THE EDWARDS AQUIFER AUTHORITY BOARD OF DIRECTORS APPROVING A TWO-YEAR RENEWAL AND EXTENSION AND AMENDMENT OF CONTRACT NO. 13-670-EX BETWEEN THE EAA AND CARRIAGE HOUSE PARTNERS, LTD. FOR LEGISLATIVE CONSULTANT SERVICES IN THE AMOUNT NOT TO EXCEED \$284,000 FOR THE PERIOD EXTENDING FROM DECEMBER 1, 2017, THROUGH NOVEMBER 30, 2019 AND AUTHORIZING THE GENERAL MANAGER TO EXECUTE THE DOCUMENTS NECESSARY TO EFFECTUATE THE CONTRACT EXTENSION, RENEWAL, AND AMENDMENT.

WHEREAS, the Edwards Aquifer Authority ("EAA") was created 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, under 1.11(d)(2) of the Act, the EAA may enter into contracts; and

WHEREAS, under Sections 36.057(a) and 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 its Board of Directors ("Board") for the conduct of the affairs of the EAA; and

WHEREAS, the order to conduct of the affairs of the EAA, the Board finds it necessary and appropriate to keep elected officials informed of the EAA's efforts, receive input from elected officials on the EAA's activities to implement the Act, and to monitor, review, and potentially respond to legislative and other developments at the state and federal levels; and

WHEREAS, under Section 305.026(a) and (b), Texas Government Code, the EAA is authorized to expend public funds to retain the services of a registered legislative consultant (*see also* Tex. Att'y Gen. Op. No. JC-0089 (1999)); 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 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 November 12, 2013, the EAA entered into that certain Contract No. 13-670-EX ("Contract") between the EAA and Carriage House Partner, LTD. to provide for legislative consultant services; and

WHEREAS, Paragraph 1.3 of the Contract authorizes two (2) renewals and extensions of the Contract; and

WHEREAS, the EAA desires to exercise its right to renew and extend for an additional 2-year period of time; and

WHEREAS, this renewal and extension is the second and final renewal and extension provided for under the Contract; and

WHEREAS, Paragraph 2.1 of the Contract authorizes amendments of the Contract upon written agreement of the parties;

WHEREAS, the parties desire to amend the Contract to provide for additional expense reimbursements during the renewed and extended term of the Contract; and

WHEREAS, on November 6, 2017, the Executive Committee voted to recommend that the Board adopt a resolution and order approving the second and final two-year renewal and extension and amendment of Contract No. 13-670-EX with Carriage House Partners, LTD. to continue to provide legislative consultant services in an amount not to exceed \$284,000, for the period extending from December 1, 2018 through November 30, 2019; and authorizing the General Manager to execute the documents necessary to effectuate the contract renewal, extension, and amendment; and

WHEREAS, Article 10.02(b) of the EAA Bylaws requires that any purchase order, agreement, or contract whose value exceeds \$100,000 be approved by a written resolution of the Board adopted during a Board meeting; and

WHEREAS, the total amount to be paid to Carriage House Partners, LTD., under the terms of the Contract renewal and extension, as proposed to be amended will exceed \$100,000; and

WHEREAS, the original Contract and the renewal, extension, and amendment documents for the Contract was reviewed by the EAA's legal counsel prior to Board approval; and

WHEREAS, a regular meeting of the Board was held on November 14, 2017, at 3:00 p.m., notice of the 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;

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 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 approve the renewal and extension of the Contract for an additional two-year period, and the amendments thereto.

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 the renewal and extension of Contract No. 13-670-EX with Carriage House Partners, LTD. for an additional two-year period, being the second and final renewal and extension, in an amount not to exceed \$284,000 to continue to provide legislative consultant services for the period extending from December 1, 2018 through November 30, 2019, and the amendments thereto.

Section 3. The General Manager is authorized to execute and deliver the documents necessary to effectuate the renewal, extension, and amendment of the Contract attached hereto and release payment as required by the Contract as renewed, extended, and amended.

Section 4. This Resolution shall become effective from and after its adoption.

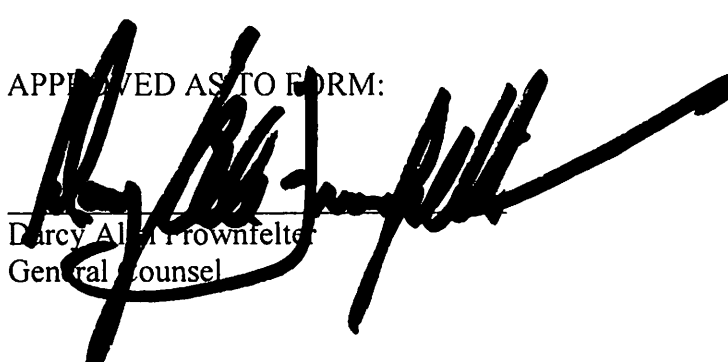
PASSED AND APPROVED BY THE BOARD OF DIRECTORS OF THE EDWARDS
AQUIFER AUTHORITY THIS 14th DAY OF NOVEMBER, 2017.

Luana Buckner
Chairman, Board of Directors

ATTEST:

Enrique P. Valdivia
Secretary, Board of Directors

APPROVED AS TO FORM:



Darcy Allen Brownfelter
General Counsel