

RESOLUTION AND ORDER NO. 08-18-904

OF THE EDWARDS AQUIFER AUTHORITY BOARD OF DIRECTORS APPROVING INTERLOCAL COMMUNICATION CONTRACT NO. 18-899-EX, FOR STRATEGIC PLANNING SERVICES ASSOCIATED WITH THE EDWARDS AQUIFER CONSERVANCY IN AN AMOUNT NOT TO EXCEED \$100,710.43, FOR THE PERIOD SEPTEMBER 1, 2018 THROUGH AUGUST 31, 2019, AND AUTHORIZING THE GENERAL MANAGER TO EXECUTE THE AGREEMENT.

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 prevent the waste of water in, the Aquifer; and

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

WHEREAS, the EAA and TAMU-SA have recently entered into a Memorandum of Agreement pertaining to water resources science and technology, education, research, and outreach to help further goals to manage, conserve, preserve, and protect the Aquifer and to increase the recharge of, and prevent the waste or pollution of water in the Aquifer; and

WHEREAS, TAMU-SA is an institution of higher learning with capabilities to perform strategic planning and development work for collaborating organizations that may involve efforts to improve overall organizational management, conduct investigations about the Aquifer, promote stakeholder involvement, develop educational curricula, and develop collaborations on means of funding project work about the Aquifer and related water sustainability and quality matters to help achieve goals in support of the greater missions of the EAA and TAMU-SA; and

WHEREAS, this Contract is an interlocal contract entered into under the authority of the Interlocal Cooperation Act ("ICA"), Chapter 791, Texas Government Code; and

WHEREAS, under Section 791.003(4) and (5) of the ICA, the EAA is a local government; and

WHEREAS, under Section 791.011(b)(1) of the ICA, TAMU-SA is a state agency as that term is defined by Section 771.002, Texas Government Code; and

WHEREAS, under Section 791.003(3) of the ICA, the activities that are the subject of this Contract are governmental functions and services in that they involve the public health and welfare, planning, administrative functions, and/or other governmental functions in which the Parties are mutually interested; and

WHEREAS, the Edwards Aquifer Conservancy ("EAC") is a non-profit corporation supporting the activities of the EAA and has a need for certain strategic planning and developmental services to be conducted;

WHEREAS, Article 10.02(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 EAA Board; and

WHEREAS, the total amount to be paid to TAMU-SA, under the terms of the Interlocal Communications Contract will exceed \$100,000; and

WHEREAS, the Interlocal Communications Contract was reviewed by EAA legal counsel prior to Board approval; and

WHEREAS, a regular meeting of the Board was held on August 14, 2018, 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 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 enter into this Contract to pursue strategic planning and developmental services for the EAC.

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 Interlocal Communication Contract No. 18-899-EX between the EAA and Texas A&M University-San Antonio for strategic planning services associated with the Edwards Aquifer Conservancy, in an amount not to exceed \$100,710.43, for the period September 1, 2018 through August 31, 2018.

Section 3. The General Manager is authorized to execute and deliver the Contract attached hereto and release payments as required by the Contract.

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 14th DAY OF AUGUST 2018.

Luana Buckner
Chairman, Board of Directors

ATTEST:

Enrique Valdivia
Secretary, Board of Directors

APPROVED AS TO FORM:



Darcy Alan Frownfelter
General Counsel

17/11/11