

RESOLUTION AND ORDER NO. 09-19-946

OF THE EDWARDS AQUIFER AUTHORITY BOARD OF DIRECTORS APPROVING JOINT FUNDING AGREEMENT NO. 19-945-AMS BETWEEN THE EAA AND THE UNITED STATES GEOLOGICAL SURVEY (USGS), FOR DATA COLLECTION SERVICES FOR A TOTAL AMOUNT NOT TO EXCEED \$2,621,150 OF WHICH THE EAA CONTRIBUTION WILL NOT EXCEED \$1,875,575, FOR THE PERIOD OCTOBER 1, 2019, THROUGH SEPTEMBER 30, 2024, 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 to increase the recharge of, and prevent the waste or pollution of water in the Aquifer; and

WHEREAS, under Section 1.27 of the Act, the EAA may conduct research on the Aquifer; and

WHEREAS, under 1.11(d)(2) of the Act, and other applicable law, 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 the EAA Board of Directors (“Board”) for the conduct of the affairs of the EAA; 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 August 27, 2019, the Research and Technology Committee voted to recommend the EAA Board adopt a resolution and order approving Joint Funding Agreement NO. 19-945-AMS between the EAA and the USGS for data collection services, for a total amount not to exceed \$2,621,150 of which the EAA’s contribution will not exceed \$1,875,575, for the period October 1, 2019, through September 30, 2024 and authorizing the General Manager to execute the agreement; and

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 the USGS, under the terms of the Joint Funding Agreement will exceed \$100,000; and

WHEREAS, the Joint Funding Agreement was reviewed by EAA legal counsel prior to Board approval; and

WHEREAS, a regular meeting of the Board was held on September 10, 2019, 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 was 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 the Agreement.

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 Joint Funding Agreement No. 19-945-AMS between the EAA and USGS in a total amount not to exceed \$2,621,150 of which the EAA contribution will not exceed \$1,875,575 to provide data collection services.

Section 3. The General Manager is authorized to execute and deliver the Joint Funding Agreement attached hereto and release payment as required by the Joint Funding Agreement.

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 10TH DAY OF SEPTEMBER 2019.

Luana Buckner
Chairman, Board of Directors

ATTEST:

Enrique P. Valdivia
Secretary, Board of Directors

APPROVED AS TO FORM:

Darcy Alan Frownfelter
General Counsel