

RESOLUTION AND ORDER NO. 06-20-966

OF THE EDWARDS AQUIFER AUTHORITY BOARD OF DIRECTORS  
APPROVING AN AGREEMENT WITH VALLEY VIEW CONSULTING,  
L.L.C. TO SERVE AS EAA INVESTMENT ADVISOR FOR THE PERIOD  
JULY 1, 2020 THROUGH JUNE 30, 2022, AND AUTHORIZING THE  
GENERAL MANAGER TO EXECUTE THE AGREEMENT.

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 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, the EAA has all of the rights, powers, privileges, authority, functions, and duties provided by applicable general law of this state, including applicable portions of Chapter 49, Texas Water Code, and

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

WHEREAS, under Section 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, 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, Section 49.199(a)(3), Texas Water Code, requires that the EAA adopt written policies relating to EAA investments that ensure that purchases and sales of investments are initiated by authorized individuals, conform to investment objectives and regulations, and are properly documented and approved, and that periodic review is made of EAA investments to evaluate investment performance and security; and

WHEREAS, Section 49.157(a), Texas Water Code, authorizes funds of the of the EAA to be invested and reinvested in accordance with the provisions of the Public Funds Investment Act, Chapter 2256, Texas Government Code; and

WHEREAS, Section 49.157(b), Texas Water Code, authorizes the Board of Directors ("Board") of the EAA, by resolution, to provide that an authorized representative of the EAA may invest and reinvest the funds of the EAA and provide for money to be withdrawn from the appropriate accounts of the EAA for investments on such terms as the Board considers advisable; and

WHEREAS, Section 9.08 of the Bylaws of the Board provides that "[b]y resolution, the Board may contract with an investment management firm to provide management advice and assist the Authority in the investment and management of the Authority's public funds and other funds under its control;" and

WHEREAS, on June 2, 2020, the Executive Committee voted to recommend that the Board adopt a resolution and order approving an agreement with Valley View Consulting, LLC. to serve as EAA investment advisor for the period July 1, 2020 through June 30, 2022 in an amount not exceed \$50,000, and authorizing the General Manager to execute the documents necessary to effectuate the renewal and extension of the Contract; and

WHEREAS, a regular meeting of the Board of the EAA was held June 9, 2020 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 was present and constituted a quorum; and

WHEREAS, the Board duly considered and took action on the agenda item that is the subject of this Resolution and Order; 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;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE EDWARDS  
AQUIFER AUTHORITY BOARD OF DIRECTORS 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. 20-016-AFS with Valley View Consulting, L.L.C. in an amount not to exceed \$50,000 to continue to serve as EAA investment advisor for the period July 1, 2020 through June 30, 2022.
- Section 3. The General Manager is authorized to execute and deliver the documents necessary to effectuate the Agreement as attached hereto, and release payment as required by the 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 9th DAY OF JUNE 2020.

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Luana Buckner  
Chairman, Board of Directors

ATTEST:

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Enrique P. Valdivia  
Secretary, Board of Directors

APPROVED AS TO FORM:

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Darcy Alan Frownfelter  
General Counsel