

RESOLUTION AND ORDER NO. 12-20-993

OF THE EDWARDS AQUIFER AUTHORITY BOARD OF DIRECTORS APPROVING INTERLOCAL COOPERATION CONTRACT NO. 20-041-AMS BETWEEN THE EAA AND THE UNIVERSITY OF TEXAS AT AUSTIN BUREAU OF ECONOMIC GEOLOGY, FOR THE INSTALLATION, OPERATION AND ANALYSIS OF EDDY COVARIANCE FOR QUANTIFYING EVAPOTRANSPIRATION IN AN AMOUNT NOT TO EXCEED \$199,939.71, FOR THE PERIOD EXTENDING FROM JANUARY 1, 2021, THROUGH DECEMBER 31, 2023, AND AUTHORIZING THE GENERAL MANAGER TO EXECUTE DOCUMENTS NECESSARY TO EFFECTUATE THE CONTRACT.

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, 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 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 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 December 1, 2020, the Executive Committee voted to recommend that the Board adopt a resolution and order approving an Interlocal Cooperation Contract with The University of Texas at Austin Bureau of Economic Geology for the installation, operation and analysis of eddy covariance for quantifying evapotranspiration, in an amount not to exceed \$199,939.71, for the period extending from January 1, 2021, through December 31, 2023, and authorizing the General Manager to execute the documents necessary to effectuate the renewal and extension of the Contract; 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 Board; and

WHEREAS, the total amount to be paid to The University of Texas at Austin Bureau of Economic Geology under the terms of the Interlocal Cooperation Contract will exceed \$100,000; and

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

WHEREAS, a regular meeting of the Board was held on December 8, 2020 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 the Governor's orders temporarily suspending certain provisions of Chapter 551 due to the Covid-19 pandemic; 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, 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 this 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 one-year period.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE BOARD OF DIRECTORS OF THE EDWARDS AQUIFER AUTHORITY THAT:

Section I. 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 Interlocal Cooperation Contract No. 20-041-AMS with The University of Texas at Austin Bureau of Economic Geology for the installation, operation and analysis of eddy covariance for quantifying

evapotranspiration, in an amount not exceed \$199,939.71, for the period extending from January 1, 2021, through December 31, 2023.

Section 3. The General Manager is authorized to execute and deliver the documents necessary to effectuate the Interlocal Cooperation Contract as attached hereto, and release payment 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 8TH DAY OF DECEMBER 2020.

Luana Buckner
Chairman, Board of Directors

ATTEST:

Enrique P. Valdivia
Secretary, Board of Directors

APPROVED AS TO FORM:

Darcy Alan Frownfelter
Darcy Alan Frownfelter (Dec 3, 2020 14:06 CST)

Darcy Alan Frownfelter
General Counsel

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Final Audit Report

2020-12-03

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Agreement completed.

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