



Legislation Text

File #: AI 13-2300, **Version:** 1

Consider recommendation from EAA staff to approve a resolution and order associated with certain ASR springflow protection program forbearance agreements approved during December 2019.

STAFF RECOMMENDED MOTION:

Move the board adopt Resolution and Order No. 01-20-958 of the Edwards Aquifer Authority Board of Directors to ratify approval and execution of springflow protection program forbearance agreements approved during December 2019 by the EAA General Manager.

SUMMARY:

The purpose of this agenda item is for the board to consider an EAA staff recommendation to approve a resolution and order ratifying the approval and execution of springflow protection program forbearance agreements during December 2019. The reason for the ratification is that 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. These specific agreements were approved without such resolutions and orders, but their execution by the General Manager was authorized by the Board of Directors at the November 12 board meeting. Therefore, staff recommends ratification of the agreements through resolution and order to be consistent with bylaw requirements. This resolution and order, and a sample springflow protection program forbearance agreement, attached to this agenda item, have been reviewed by legal counsel.

M/WBE PARTICIPATION:

This agenda item does not involve the procurement of goods or services by the EAA and, therefore, this section is not applicable.

STRATEGIC PLAN REFERENCE:

This agenda item supports the EAA's policy direction as set forth in the EAA 2016-20 Strategic Plan: Goal A. Sustain Federally Protected Aquifer-Dependent Species.

Acquisition of 50,000 acre-feet of water for the ASR program is required of the Edwards Aquifer Authority to maintain compliance with the Incidental Take Permit issued by USFWS on March 18, 2013. Specifically, this item is related to the obligations of Section 5.5.1 of the Edwards Aquifer Habitat Conservation Plan.

FISCAL IMPACT:

Funding for these forbearance agreements is available in the 2020 EAHCP budget. The annual cost of these agreements is \$870,941.70 and the total cost of these agreements over their term is \$7,693,475.30.