



Legislation Text

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Consider recommendation from the Finance/Administrative Committee to approve an interlocal contract between the EAA and the City of San Marcos and Texas State University to fund Conservation Measures and Program Activities in accordance with the Edwards Aquifer Habitat Conservation Plan.

RECOMMENDED MOTION:

Move the board adopt Resolution and Order No. 10-20-982 of the Edwards Aquifer Authority Board of Directors approving Interlocal Contract No. 20-025-TES between the EAA and the City of San Marcos and Texas State University to serve as a funding contract for the reimbursement of funds for the implementation of the Conservation Measures or other Program Activities of the EAHCP for the period January 1, 2021 through March 31, 2028.

SUMMARY:

The purpose of this agenda item is for the board to consider a Finance/Administrative Committee recommendation to adopt a resolution and order of the Edwards Aquifer Authority Board of Directors approving an interlocal contract ("Contract") between the EAA and the City of San Marcos and Texas State University to fund conservation measures and program activities in accordance with the Edwards Aquifer Habitat Conservation Plan. Texas State University has authorized the City of San Marcos to act on its behalf in all manners relating to the EAHCP. This authorization includes generating requests for proposals, entering into contracts, management and oversight of contractors, and processing and submission of invoices to the Edwards Aquifer Authority for reimbursement of funds. For contractual purposes and consistency, the City of San Marcos and Texas State University will be referenced as a single entity.

This Contract, also known as a "Program Funding Contract" under Subsection 6.1.8 of the Funding and Management Agreement (FMA), formalizes the agreement between the EAA and the City of San Marcos and Texas State University by defining the funding amounts, conditions, and requirements under which the EAA will reimburse expenses incurred during implementation of the Conservation Measures, as depicted in the annual Funding Application.

The board previously approved a Contract with the City of San Marcos and Texas State University for the period of January 1, 2014 through December 31, 2020, which ran concurrently with Phase I of the EAHCP. This new Contract will run for the remainder of the Incidental Take Permit from January 1, 2021 through March 31, 2028. The City of San Marcos and Texas State University will continue to submit annual Funding Applications each year, which (through reference) will become the contract budget for that year.

Resolution and Order No. 10-20-982, pertaining to the interlocal contract between the EAA and the

City of San Marcos and Texas State University, has been reviewed by legal counsel and is attached.

At the September 22 meeting, the Finance/Administrative Committee voted to recommend the board adopt a resolution and order of the Edwards Aquifer Authority Board of Directors approving Interlocal Contract No. 20-025-TES between the EAA and the City of San Marcos and Texas State University to serve as a funding contract for the reimbursement of funds for the implementation of the Conservation Measures or other Program Activities of the EAHCP for the period January 1, 2021 through March 31, 2028.

M/WBE PARTICIPATION:

As a governmental entities, City of San Marcos and Texas State University are not a Minority/Woman-owned Business Enterprise and each is subject to its own purchasing procedures, consistent with Subsection 7.2.2 of the FMA.

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.

FISCAL IMPACT:

This Contract is a multi-year agreement that formalizes how the EAA will reimburse the City of San Marcos and Texas State University. The Funding Application approved each year by the EAA will determine the annual fiscal impact.