

WEST CENTRAL CONSERVANCY DISTRICT
BOARD OF DIRECTORS

RESOLUTION NO. 2023-0922-1

A RESOLUTION SELECTING BUILD-OPERATE-TRANSFER DEVELOPER
FOR DISTRICT PROJECT

WHEREAS, in accordance with I.C. 5-23, *et seq.* (the "Code"), the Board of Directors of the West Central Conservancy District (the "Board") issued a request for proposals and qualifications (the "RFPQ") for the construction, operation, financing, and development of certain water/wastewater infrastructure and related items (the "Project");

WHEREAS, the Board received a single response to the RFPQ and convened a committee which proceeded to review such proposal and make a recommendation to the Board;

WHEREAS, following its review of the submitted proposal, the committee has recommended that the Board select respondent Daystar Directional Drilling ("Daystar") for discussion and negotiation of a prospective public-private partnership build-operate-transfer agreement ("BOT Agreement") in accordance with the Code;

WHEREAS, not fewer than seven days before September 21, 2023, and as required by the Code, notice of the public hearing occurring on September 21, 2023 was published in accordance with I.C. 5-14-3;

WHEREAS, the Board, having considered the recommendation of the committee, and having conducted a public hearing on the selection as required under the Code, now desires to: (a) select Daystar as the build-operate-transfer developer of the Project; and (b) authorize further negotiation with and execution of the BOT Agreement for development and operation of the Project.

ACCORDINGLY, be it resolved by the West Central Conservancy District as follows:

1. **Selection.** Pursuant to and in accordance with the Code, the Board hereby: (a) selects Daystar as the developer of the Project under a BOT Agreement; and (b) authorizes further discussion and negotiation of the BOT Agreement terms.
2. **Document Authorization.** The Board authorizes the District officials and staff, acting in consultation with legal counsel and on behalf of the Board, to negotiate, finalize, and execute the BOT Agreement and any related agreements appurtenant to the BOT Agreement, and hereby ratifies all actions taken in furtherance of the Project prior to the date hereof.
3. **Other Actions.** The officers of the Board hereby are authorized to take any and all actions, including executing and delivering any documents or certificates, that the Chairman or any such officer deems to be necessary or reasonably appropriate to effect the resolutions set forth herein.

Any such actions taken, including any documents or certificates executed and delivered, hereby are ratified, confirmed, and approved.

4. **No Conflict.** All resolutions and orders (or parts thereof) that conflict with the provisions of this Resolution hereby are repealed to the extent of such conflict.

5. **Severability.** If any section, paragraph, or provision of this Resolution is held to be invalid or unenforceable for any reason, then the invalidity or unenforceability of such section, paragraph, or provision shall not affect any of the remaining provisions of this Resolution.

6. **Effectiveness.** This Resolution shall be in full force and effect from and after its passage.

ADOPTED AND APPROVED at a meeting of the West Central Conservancy Board of Directors, held on the ___ day of September, 2023.

WEST CENTRAL CONSERVANCY DISTRICT

By:


(Frederick Freeman, Chairman