

A RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS AUTHORIZING EXECUTION OF AN INTERLOCAL AGREEMENT WITH TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL RISK POOL TO FORM A JOINT SELF-INSURANCE POOL TO BE NAMED THE TEXAS MUNICIPAL LEAGUE JOINT CYBER LIABILITY AND DATA BREACH RESPONSE SELF-INSURANCE FUND, EXPENDITURE OF THE REQUIRED FUNDS, AND EXECUTION OF ALL APPLICABLE DOCUMENTS BY THE CITY MANAGER.

WHEREAS, beginning in 2016 the Texas Municipal League Intergovernmental Risk Pool (*“the Pool”*) began offering cyber liability coverage to members with either General Liability or Real and Personal Property Coverage, and,

WHEREAS, the City has elected cyber coverage each year it was available, and,

WHEREAS, due to an increase in both frequency and severity of cyber claims, the Pool’s Board of Trustees approved the Pool’s formation of a new Cyber Fund and updated Cyber Liability and Data Breach Response Coverage (*“Cyber Coverage”*) effective on October 1, 2024, and,

WHEREAS, the City must elect to continue coverage by entering into an interlocal agreement with the Pool to participate in the newly-created Cyber Fund, and,

WHEREAS, the City Council of the City of Fair Oaks Ranch finds it in the best interest of the City to enter into an interlocal agreement with the Pool and continue with cyber liability insurance for Fiscal Year 2024-25 at an annual cost of \$1,250.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS:

Section 1 The City Council hereby authorizes the City Manager to execute an agreement with Texas Municipal League Intergovernmental Risk Pool to form a joint self-insurance pool to be named the Texas Municipal League Joint Cyber Liability and Data Breach Response Self-Insurance Fund, to expend required funds up to \$1,250 and to execute any and all applicable documents to effectuate this resolution.

Section 2. That the recitals contained in the preamble hereto are hereby found to be true and such recitals are hereby made a part of this resolution for all purposes and are adopted as a part of the judgment and findings of the Council.

Section3. If any provision of this resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this resolution would have been enacted without such invalid provision.

Section 4. That it is officially found, determined, and declared that the meeting at which this resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this

resolution, was given, all as required by Chapter 551, as amended, Texas Government Code.

- Section 5.** All resolutions or parts thereof, which are in conflict or inconsistent with any provision of this resolution are hereby repealed to the extent of such conflict, and the provision of this resolution shall be and remain controlling as to the matters resolved herein.
- Section 6.** This resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.
- Section 7.** This resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED, APPROVED, and ADOPTED on this 1st day of August 2024.

Gregory C. Maxton, Mayor

ATTEST:

APPROVED AS TO FORM:

Christina Picioccio, TRMC
City Secretary

Denton Navarro Rodriguez Bernal Santee & Zech
P.C., City Attorney