



**Meeting Date:** January 25, 2024      **Agenda Type:** Consent Items for Action

**From:** Nancy Pappas      **Reviewed by:** Melissa Krause  
Managing Director,  
Headwaters at the Comal      Chief Strategic Communications  
Officer

**Submitted by:** Melissa Krause      **Approved by:** Ryan Kelso  
Chief Strategic  
Communications Officer      Interim Chief Executive Officer

**RECOMMENDED ACTION:** Authorize Interim CEO to Execute a (i) First Amendment to the Professional Services Agreement between New Braunfels Utilities and Environmental Research Group, LLC, formerly AmaTerra Environmental, Inc., and (ii) an Assignment of Agreement for Cultural Services for Headwaters Construction Phase II

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## **BACKGROUND**

On July 8, 2022, New Braunfels Utilities (“NBU”) and AmaTerra Environmental, Inc. (“AmaTerra”) entered into a Professional Services Agreement (the “Agreement”) to provide project management, cultural resource coordination, and field investigation services for work in conjunction with Phase Two of the Headwaters at the Comal construction project. The investigation work was to be completed by December 29, 2023.

Due to construction timeline delays, there is a need to extend the term of the agreement to December 31, 2024, with no financial implications.

In addition, timely to this First Amendment (the “First Amendment”) to the Professional Services Agreement request, AmaTerra Environmental, Inc. was acquired by Environmental Research Group, LLC. (“ERG”). ERG assumed all of the duties, and obligations of AmaTerra under the Assignment of Agreement as referenced in Exhibit A.

We request consideration for the NBU Board of Trustees to authorize execution of the First Amendment to the Professional Services Agreement and Assignment of Agreement.

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## **FINANCIAL IMPACT**

None

## **LINK TO STRATEGIC PLAN**

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### **Stewardship**

## **EXHIBITS**

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1. First Amendment to the Professional Service Agreement with ERG