



Edwards Aquifer Authority

900 E. Quincy
San Antonio, TX 78215
EdwardsAquifer.org

NOTICE OF OPEN MEETING

Board of Directors

*Enrique Valdivia, Chairman Rachel Sanborn, Vice-Chairman
Ben Youngblood, Secretary Byron Miller, Treasurer*

Tuesday, April 11, 2023

4:00 PM

EAA Board Room

Pursuant to the Texas Open Meetings Act, Ch. 551, Texas Government Code, a meeting of the Board of Directors of the Edwards Aquifer Authority will be held on the date, time, and location stated above. Board members may participate by video conference consistent with Section 551.127 of the Texas Government Code and Section 7.09 of the EAA Bylaws.

The public may also attend the live meeting virtually by going to <https://us02web.zoom.us/j/84632743574>. Individuals wishing to offer public comment remotely must register their name, telephone number and the item, if any, on which they wish to speak no later than 5:00 pm Monday, April 10, by emailing jesparza@edwardsaquifer.org or by calling 210.477.5116. Staff will contact registered speakers prior to the meeting time to arrange the process of addressing the board.

AGENDA

A. Call to Order – Roll Call

B. Public Comment

C. General Manager's Announcements and Reports

- C.1**
- Staffing Items of Interest (anniversaries, new hires)
 - Recent Activities/Events (reports on conferences attended, meetings held, etc.)
 - Legislative Activity
 - Upcoming Activities/Events (conferences, meetings, etc.)
 - Operational Announcements (schedule changes, program updates, etc.)
 - Recent Activities of the Edwards Aquifer Habitat Conservation Program
 - Aquifer Conditions

D. Treasurer's Report

- D.1** Receive report from EAA staff on unaudited financial statements for February 2023.

E. Board Reports

F. Consent Agenda

- F.1** Approval of previous board meeting minutes
- Regular Board Meeting - March 14, 2023
- F.2** Consider recommendation from the Finance/Administrative Committee to approve payment to Kemp Smith, in the amount of \$42,144.71 for legal services for February 2023.

G. Individual Consideration

- G.1** Receive report from independent auditor, RSM US LLP, and consider recommendation from the Finance/Administrative Committee to accept the audit report for the 12-month period of January 1, 2022 through December 31, 2022.
- G.2** Consider recommendation from the Permits/Enforcement Committee to approve a conversion of base irrigation groundwater owned by Continental Homes of Texas, L.P.
- G.3** Consider recommendation from the Permits/Enforcement Committee to approve forbearance agreements with Sidney H. Clary; John A. Persyn and Karen P. Persyn; Frank Persyn, Jr. and Henry Persyn; Kristopher M. Benke; HABY47 FARM, LLC; Deborah Ann Benke; Rodney Carl Hitzfelder; Deborah Benke; John Aviel Persyn; Robyn Jagge Masrouri; Raymond L. Jagge; Sharon Jagge Rogers; Sandra Moerbe; and Dorothy Marie Bourquin DeCock for Edwards groundwater withdrawal rights for the Voluntary Irrigation Suspension Program Option in support of the Edwards Aquifer Habitat Conservation Plan, in the total amount of not less than \$662,281.92, and not to exceed \$2,624,598.72.
- G.4** Consider recommendation from the Finance/Administrative Committee to approve an Edwards Aquifer Habitat Conservation Plan FY2023 Funding Application Amendment submitted by the Edwards Aquifer Authority and associated 2023 EAA Operating Budget amendment by increasing the Habitat Conservation Plan fund by \$517,282.

G.5 Consider recommendation from the Finance/Administrative Committee to approve an Edwards Aquifer Habitat Conservation Plan FY2023 Funding Application Amendment submitted by the City of New Braunfels and associated 2023 EAA Operating Budget amendment by increasing the Habitat Conservation Plan fund by \$28,401.

G.6 Consider recommendation from the Finance/Administrative Committee to amend the 2023 EAA Operating Budget by increasing the General Fund appropriation by \$25,000.

G.7 Consider recommendation from the Finance/Administrative Committee to clear delinquent aquifer management fees of certain former permit holders and other small balances.

H. Staff Reports

I. Closed Session

The Board of Directors of the Edwards Aquifer Authority may go into a closed session under the authority of the Government Code, Chapter 551, Texas Open Meetings Act, to discuss:

I.1 Closed Session

1. Consultation with Attorney - Pending Litigation (§ 551.071)

Active Litigation:

Schindel v. Edwards Aquifer Auth. (W.D. Tex. Sept. 2, 2022)

2. Consultation with Attorney - Attorney/Client Privileged Consultations (§ 551.071)
3. Consultation with Attorney - Settlement Offers (§ 551.071)
4. Deliberations Regarding Real Property (§ 551.072)
5. Deliberations Regarding Personnel Matters (§ 551.074)
6. Deliberations Regarding Security Devices or a Security Audit (§§ 551.076, 551.089)

J. Consider recommendation(s) regarding matters discussed in closed session.

K. Future Board Meeting Agendas

L. Adjournment

April 6, 2023

Jennifer Wong-Esparza
Assistant to Board Secretary

In this Notice of Open Meeting ("Notice"), the posting of an agenda item to be discussed in open session is not intended to limit or require discussion of that item in open session if it is otherwise appropriate to discuss the item in closed session. If, during the discussion of an agenda item posted for discussion in open session, a matter is raised that is appropriate for discussion in closed session, the Board may, as permitted by the Texas Open Meetings Act, adjourn into closed session to deliberate on the matter. Additionally, the posting of an agenda item to be discussed in closed session is not intended to limit or require discussion of that item in closed session if it is otherwise appropriate to discuss the item in open session. In open session, the Board may discuss and take action on any agenda item for which notice has been given in this Notice, including an agenda item posted for closed session. In no event, however, will the Board take action on any agenda item in closed session.