



Edwards Aquifer Authority

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

NOTICE OF OPEN MEETING

Board of Directors

Tuesday, February 9, 2016

3:00 PM

EAA Board Room

Pursuant to the Texas Open Meetings Act, Ch. 552, 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.

A. Call to Order – Roll Call – Pledge of Allegiance.

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.)
 - Upcoming Activities/Events (conferences, meetings, etc.)
 - Operational Announcements (schedule changes, program updates, etc.)
 - Recent Activities of the Edwards Aquifer Habitat Conservation Program
 - Recent Legislative Activities
 - Aquifer Conditions

D. Board Reports

- D.1** **Receive report from Director Gary Middleton, South Central Texas Water Advisory Committee (SCTWAC) representative to the board, regarding downstream water conditions of the Guadalupe River Basin and current activities and issues of interest to SCTWAC.**

E. Consent Agenda

- E.1** **Approval of previous board meeting minutes**
 - Regular Board Meeting - January 12, 2016
- E.2** **Consider recommendation from the Executive Committee to approve a conversion of base irrigation groundwater owned by Del's Grass Farm, Ltd., based on installation of conservation equipment.**

- E.3** Consider recommendation from the Permits/Enforcement Committee to approve leases of permitted Edwards groundwater rights with Texas By Anderson Family Properties, LP; CHARLESHANER LP, a Texas Limited Partnership; Kelling Farms Ltd. & Kelling Trust; Linda Susan Mechler and Carol Jean Mechler, Individually; Alamo Concrete Products Company; Harlach Farms; East Medina County Special Utility District; Deborah Ann Benke; Malcolm R. Vogt Testamentary Trust, Gail Kluth, Trustee; W. Michael Humphreys and Candace P. Humphreys; Malvern J. Benke and Deborah Keller Benke, husband and wife; William L. Bippert; Roy M. Kothmann and Carol C. Kothmann; Cynthia A. Keller; Lena Jo Davenport, as Trustee of the Lena Jo Davenport Revocable Trust; and Virginia A. Swart for the Aquifer Storage and Recovery Project of the San Antonio Water System, in support of the Edwards Aquifer Habitat Conservation Plan, in the total amount of \$1,173,324.00.
- E.4** Consider recommendation from the Permits/Enforcement Committee to approve amended leases of permitted Edwards groundwater rights with Thomas Persyn and Oblate School of Theology, a Texas Non-Profit Corporation for the Aquifer Storage and Recovery Project of the San Antonio Water System, in support of the Edwards Aquifer Habitat Conservation Plan, in the total amount of \$220,043.57.
- E.5** Consider recommendation from the Finance/Administrative Committee to accept the unaudited financial statements for December 2015.
- E.6** Consider recommendation from the Finance/Administrative Committee to approve payment to Kemp Smith for legal services for December 2015.

F. Individual Consideration

- F.1** Consider recommendation from the Research & Technology Committee to approve an amendment to Contract No. 13-637-HCP with BIO-WEST, Inc., to conduct additional validation studies for the Predictive Ecological Model for the Comal and San Marcos Ecosystems Project, in an amount not to exceed \$125,000.
- F.2** Consider recommendation from the Finance/Administrative Committee to approve an amended 2016 EAHCP Funding Application for the Edwards Aquifer Authority.

- F.3** Consider recommendation from the Finance/Administrative Committee to approve an amended 2016 EAHCP Funding Application for the City of New Braunfels.
- F.4** Consider recommendation from the Finance/Administrative Committee to approve amendments to the 2016 EAHCP Operating Budget, increasing the appropriation for the Regional Water Conservation Program by \$2,827,750; and for the Restoration-Riparian Zone and Native Vegetation project on the Comal River by \$220,000.
- G. Staff Reports**
- G.1** Receive report from EAA staff regarding the status of the EAA's water quality programs.
- H. 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:

H.1**Closed Session.**

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

Active Litigation:

Guadalupe-Blanco River Auth. v. Royal Crest Homes (22nd Hays Cnty. filed June 15, 1989)

Bragg v. Edwards Aquifer Auth. (38th Medina Cnty. remanded June 15, 2015)

League of United Latin Am. Citizens v. Edwards Aquifer Auth. (W.D. Tex. filed June 21, 2012)

GG Ranch, Ltd. v. Edwards Aquifer Auth. (5th Cir. June 4, 2015)

Active Litigation - Enforcement:

Edwards Aquifer Auth. v. Barnard (274th Hays Cnty. filed Oct. 4, 2010)

2. Consultation with Attorney - Attorney/Client Privileged Consultations (§ 551.071)
3. Consultation with Attorney - Settlement Offers (§ 551.071)
4. Consultation with Attorney (§ 551.071)
5. Deliberations Regarding Real Property (§ 551.072)
6. **Deliberations Regarding Personnel Matters (§ 551.074)**
General Manager Evaluation Follow-up

- I. **Consider recommendation(s) regarding matters discussed in closed session.**
- J. **Discuss items for future board meeting agendas.**
- K. **Adjournment.**

February 4, 2016

Jennifer Wong-Esparza
Assistant to Board Secretary

In this Notice of Open Meeting ("Notice"), the posting of an agenda as a matter to be discussed in open session is not intended to limit or require discussion of that matter in open session if it is otherwise appropriate to discuss the matter in closed session. If, during the discussion of any agenda item, 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 as a matter to be discussed in closed session is not intended to limit or require discussion of that matter in closed session. In open session, the Board may discuss and take action on any matter 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, whether it be posted for open or closed session discussion.