



Edwards Aquifer Authority

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

NOTICE OF OPEN MEETING

Board of Directors

Tuesday, July 12, 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. Treasurer's Report

D.1 Unaudited financial statements for May 2016.

E. Board Reports

E.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.

F. Consent Agenda

**F.1 Approval of previous board meeting minutes
- Regular Board Meeting - June 14, 2016**

F.2 Consider recommendation from the Permits/Enforcement Committee regarding a settlement counter-offer from James Thomas Neutze related to exceeding authorized groundwater withdrawals during 2015.

- F.3** Consider recommendation from the Permits/Enforcement Committee to approve a conversion of base irrigation groundwater owned by Texas By Anderson Family Properties, LP, based on the installation of conservation equipment.
- F.4** Consider recommendation from the Permits/Enforcement Committee to approve a conversion of base irrigation groundwater owned by William T. Tschirhart, Jr., Trustee of the Billy T. Trust, based on the installation of conservation equipment.
- F.5** Consider recommendation from the Permits/Enforcement Committee to approve a conversion of base irrigation groundwater owned by DH335 Partners, LLC, based on the installation of conservation equipment.
- F.6** Consider recommendation from the Finance/Administrative Committee to approve an agreement with Valley View Consulting, LLC, in the estimated amount of \$47,500, to serve as the EAA investment advisor for a period of two years.
- F.7** Consider recommendation from the Finance/Administrative Committee to approve payment to Kemp Smith for legal services for May 2016.
- F.8** Consider recommendation from the Executive Committee to approve a Joint Election Agreement between the Bexar County Elections Administrator, acting on behalf of Bexar County, and other political subdivisions, including the Edwards Aquifer Authority, for the conducting of joint elections by the political subdivisions, including for the 2016 general directors election of the Edwards Aquifer Authority.

G. Individual Consideration

- G.1** Consider recommendation from the Finance/Administrative Committee to approve a contract with Web-Hed Technologies, Inc., for the development of an EAA data management system in the amount of \$276,289.88.
- G.2** Consider recommendation from the Finance/Administrative Committee to approve an amended engagement letter with Kemp Smith for legal services.
- G.3** Consider recommendation from the Executive Committee to approve an interlocal contract between the EAA and New Braunfels Utilities for construction of Phase 1 of the Comal Springs Conservation Center, in an amount not to exceed \$540,000.

G.4 Consider recommendation from EAA staff to approve a resolution and order calling for the election of seven voting members to the EAA Board of Directors from seven single-member districts within the boundaries of the EAA to be held on November 8, 2016.

G.5 Consider EAA staff recommendation to authorize payment to Glenn and JoLynn Bragg in an amount not to exceed \$4,585,000, to satisfy the final judgment in Bragg v. Edwards Aquifer Authority, No. 06-11-18170-CV.

H. Staff Reports

H.1 Receive report from EAA staff on the status of the EAHCP Long Term Refugia Operations contract.

H.2 Receive report from EAA staff on the five-year financial forecast.

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:

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

Bragg v. Edwards Aquifer Auth. (38th Medina Cnty. judgment May 17, 2016)

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. decision May 5, 2016)

In re Jaffe, No. 16-50355 (W.D. Tex. filed Feb. 12, 2016)

Active Litigation - Enforcement:

Edwards Aquifer Auth. v. Barnard (274th Hays Cnty. filed Oct. 6, 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)

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

K. Discuss items for future board meeting agendas.

L. Adjournment.

July 7, 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.