



# Edwards Aquifer Authority

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

## NOTICE OF OPEN MEETING

### Board of Directors

*Luana Buckner, Chair*  
*Enrique Valdivia, Vice Chair   Ben Youngblood, Secretary*  
*Byron Miller, Treasurer*

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Tuesday, October 11, 2022

4:00 PM

EAA Board Room

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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/89261322154>. 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, October 10, by emailing [jesparza@edwardsaquifer.org](mailto: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 August 2022.**

**E. Board Reports**

- E.1** Receive report from Gary Middleton - South Central Texas Water Advisory Committee (SCTWAC), regarding the SCTWAC 2022 Biennial Report on the Effectiveness of the Edwards Aquifer Authority.

**F. Consent Agenda**

- F.1** Approval of previous board meeting minutes
- Regular Board Meeting - September 13, 2022
  - Special Board Meeting - September 15, 2022
  - Special Board Meeting - FRP - September 16, 2022
  - Special Board Meeting - EOC - September 16, 2022
- F.2** Consider recommendation from the Finance/Administrative Committee to approve an arrangement letter with RSM US, L.L.P. to provide independent audit services for fiscal year 2022, in the amount of \$70,000.
- F.3** Consider recommendation from the Finance/Administrative Committee to approve the 2023 plan agreement with the Texas County and District Retirement System.
- F.4** Consider recommendation from the Finance/Administrative Committee to approve payment to Kemp Smith, in the amount of \$44,673.10, for legal services for August 2022.

**G. Individual Consideration**

- G.1** Consider recommendation from the Finance/Administrative Committee to authorize staff to present the 2023 proposed budget and associated aquifer management fee rates for public comment.
- G.2** Consider recommendation from EAA staff to approve a conversion of base irrigation groundwater owned by KB Home Lone Star, Inc.
- G.3** Consider recommendation from EAA staff to approve a conversion of base irrigation groundwater owned by Arroyo Cap II-2, LLC.

- G.4** Consider recommendation from EAA staff to approve forbearance agreements with Zinsmeyer Farms, and Lucille Carson Hutcherson 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 \$110,060.10, and not to exceed \$436,164.10.

**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**

October 6, 2022

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.