



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 9, 2024

1:00 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://edwardsaquifer-org.zoom.us/j/96290255772>. 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 4:00 p.m., Monday, April 8, by emailing jesparza@edwardsaquifer.org or by calling 210-222-2204. 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 2024.

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.

E.2 Board Policy Briefing - Section 1.14 of the EAA Act

E.3 Receive report from market research firm ReconMR regarding an awareness and attitudinal study conducted on behalf of the EAA.

F. Consent Agenda

F.1 Approval of previous board meeting minutes
- Regular Board Meeting - March 12, 2024

F.2 Consider recommendation from the Permits/Enforcement Committee to approve a conversion of base irrigation groundwater owned by Lennar Homes of Texas Land and Construction, Ltd.

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F.5 Consider recommendation from the Finance/Administrative Committee to approve payment to Kemp Smith, in the amount of \$43,271.17, for legal services for February 2024.

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, 2023 through December 31, 2023.

- G.2** Consider recommendation from the Permits/Enforcement Committee to approve forbearance agreements with Weldon Gilleland and Judie M. Gilleland; Malcolm Richey; Linda Tucker Sparks, Trustee of the Sparks Family Trust, dated February 8, 2013; Lena Jo Davenport, as Trustee of the Lena Jo Davenport Revocable Trust; Roger L. Berry and Sharon B. Berry; and Deborah L. Weiblen 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 \$178,146.43, and not to exceed \$705,987.71.
- G.3** Consider recommendation from the Finance/Administrative Committee to approve the purchase of three Ford F-150 trucks with accessories, using the Texas SmartBuy Membership Program, in an amount not to exceed \$138,040.50.
- G.4** Consider recommendation from the Research & Technology Committee to approve a contract renewal with Eurofins Environmental Testing South Central LLC, for analytical laboratory services, in the amount not to exceed \$230,000.
- G.5** Consider recommendation from the Research & Technology Committee to approve an Interlocal Agreement with New Braunfels Utilities for the operation of a water level observation well at Comal Plant No. 3 (DX-68-23-304), adjacent to Comal Springs, New Braunfels, Texas.
- G.6** Consider proposed potential compliance agreement related to the underground tank system of 4G Enterprises, LLC.

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 4, 2024

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.