



Edwards Aquifer Authority

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

NOTICE OF OPEN MEETING

Board of Directors

Tuesday, October 9, 2018

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
 - Aquifer Conditions

D. Treasurer's Report

- D.1** Receive report from EAA staff on unaudited financial statements for August 2018.

E. Board Reports

F. Consent Agenda

- F.1** Approval of previous board meeting minutes
- Regular Board Meeting - September 11, 2018
 - Special Board Meeting - September 21-22, 2018

- F.2** Consider recommendation from the Permits/Enforcement Committee to approve an application to convert base irrigation groundwater owned by Pulte Homes of Texas and HDC Westlake, LLC, based on a change in land use.

- F.3** Consider recommendation from the Permits/Enforcement Committee to approve an application to convert base irrigation groundwater owned by Pulte Homes of Texas and HDC Westlake, LLC, based on a change in land use.
- F.4** Consider recommendation from the Finance/Administrative Committee to approve the 2019 plan agreement with the Texas Counties and District Retirement System.
- F.5** Consider recommendation from the Finance/Administrative Committee to approve payment to Kemp Smith for legal services for August 2018.
- F.6** Consider recommendation from the Finance/Administrative Committee to declare certain personal property of the EAA to be surplus and to authorize the disposal of the surplus property.

G. Individual Consideration

- G.1** Consider recommendation from the Permits/Enforcement Committee to approve ASR springflow protection program forbearance agreements with William Cecil Reagan, Jr., individually, and Trustee William Cecil Reagan GST Exempt Trust 2, Robert Carl Reagan, individually, and Trustee William Cecil Reagan GST Exempt Trust 1, and Trustee Robert Carl Reagan Trust, Cecile Tindall Graham, BFPL, Ltd., J. Allen Carnes, Vicki Jean Hagen, Malvern J. Benke and Deborah Keller Benke, husband and wife, William George Reichert Trust, Deborah Ann Benke, Mark Thomas Huffstutler ETUX Kimberly Fulton Huffstutler and Roger L. Berry and William O. Berry for the Aquifer Storage and Recovery Forbearance Program, in support of the Edwards Aquifer Habitat Conservation Plan, in the total amount of \$2,940,379.00.

- G.2** Consider recommendation from the Permits/Enforcement Committee to approve Voluntary Irrigation Suspension Program Option (VISPO) forbearance agreements with Lonesome Dove Corner, LLC and Rocky Ridge Mountain, LLC, KNJK Family Limited Partnership, Jerry Kye Mask, Matthew Michael Dodson and Jamie Ann Dodson, Kye Mask, Inc., William T. Tschirhart, Jr., Trustee of the Billy T. Trust, Dietrich J. Gembler III and Barbara J. Gembler, Maurice P. DeCock Farms, Inc., Roger Verstuyft & Merlynn Verstuyft, Ronald G. Heiligman and Jacqueline D. Heiligman, husband and wife, Patrick J. Wurzbach and wife, and Phyllis Wurzbach, Collis W. Markt, for Edwards groundwater withdrawal rights in the total amount of not less than \$1,070,966.88, and not to exceed \$4,244,202.08, for the Voluntary Irrigation Suspension Program Option in support of the Edwards Aquifer Habitat Conservation Plan.
- G.3** Consider recommendation from the Permits/Enforcement Committee to approve Proposed Rules related to proposed changes to EAA Critical Period Management rules regarding Notices of Intent to Finish Out a Crop.
- G.4** Consider recommendation from the Finance/Administrative Committee to authorize staff to hold public hearings on the 2019 proposed budget and associated aquifer management fee rates.
- 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:

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

Uvalde Cty. UWCD. v. Edwards Aquifer Auth. (38th Uvalde Cty. filed Jan. 16, 2018)

Gibson v. Edwards Aquifer Auth., (County Court at Law 2, Comal County, Texas, June 1, 2018)

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.**

October 4, 2018

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.