



# Edwards Aquifer Authority

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

## NOTICE OF OPEN MEETING

### Board of Directors

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Tuesday, June 11, 2019

3:00 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.

### AGENDA

**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.)
  - 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 the unaudited financial statements for April 2019.

**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 - May 14, 2019

- F.2** Consider recommendation from the Executive Committee to approve an application to convert base irrigation groundwater owned by Continental Homes of Texas, L.P., based on a change in land use.
- F.3** Consider recommendation from the Executive Committee to approve an amendment to the 2019 City of New Braunfels EAHCP Funding Application.
- F.4** Consider recommendation from the Executive Committee to approve the purchase and installation of office furniture from Workplace Resource, in an amount not to exceed \$93,517.
- F.5** Consider recommendation from the Executive Committee to approve payment to Kemp Smith for legal services for April 2019.

**G. Individual Consideration**

- G.1** Consider recommendation from EAA staff to approve ASR springflow protection program forbearance agreements with Texas By Anderson Family Properties, LP, Wanda Sue Smith, Marion Fey, Lisa W. Morgan and James H. Morgan, and Gilbert and Eloisa F. Barrera, and Daughter, Maribel Barrera for the Aquifer Storage and Recovery Forbearance Program, in support of the Edwards Aquifer Habitat Conservation Plan, in the total amount of \$669,836.70.
- G.2** Consider recommendation from EAA staff to approve Voluntary Irrigation Suspension Program Option (VISPO) forbearance agreements with Briscoe Ranch, Inc.; Ralph Hesse and wife, Connie Hesse; and Mary E. Pettibon; for Edwards groundwater withdrawal rights in the total amount of not less than \$1,231,562.34 and not to exceed \$4,880,635.94 for the Voluntary Irrigation Suspension Program Option in support of the Edwards Aquifer Habitat Conservation Plan.

**H. Staff Reports**

- H.1** Receive report regarding the South Texas Weather Modification Association's Precipitation Enhancement Program.
- H.2** Receive report from EAA staff regarding EAA's 2019 legislative priorities.

**H.3                      Receive report from EAA staff on the transition from Phase I to Phase II of the EAHCP.**

**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.* (5th Cir. filed Aug. 9, 2018)

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

*Gibson v. Edwards Aquifer Auth.* (37th Bexar Cty. transferred Sept. 6, 2018)

*Gonzales v. Mendez* (285th Bexar Cty. filed Sept. 20, 2018; EAA intervened May 8, 2019)

**Monitored Litigation:**

*In re Estate of Eva May Sanderlin* (Cty. Ct., Uvalde Cty. filed Jan. 8, 2015)

*In re Estate of Watts* (Prob. Ct. No. 1, Bexar Cty. filed Jan. 27, 2016)

*Flying "L" Guest Ranch, Ltd. v. Bandera Cty. RAGD* (198th Bandera Cty. filed Jan. 12, 2018)

*End Op v. Meyer* (Tex. App.-Austin filed Aug. 29, 2018)

*Stratta v. Harris* (5th Cir. Nov. 29, 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.**

June 6, 2019

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.