



# Edwards Aquifer Authority

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

## NOTICE OF OPEN MEETING

### Board of Directors

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Tuesday, September 10, 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 July 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 - August 13, 2019

- F.2** Consider recommendation from the Permits/Enforcement Committee to approve ASR springflow protection program forbearance agreements with Box K, Limited; Lilla Lee Rose; Sylvia C. Binford; Binford Farms, LLC; Michael Edward Echtle; Kurt Eric Kunze; and Craig K. Garnett and Melissa N. Garnett, for the Aquifer Storage and Recovery Forbearance Program, in support of the Edwards Aquifer Habitat Conservation Plan, in the total amount of \$1,324,064.70.
- F.3** Consider recommendation from the Permits/Enforcement Committee to approve a Voluntary Irrigation Suspension Program Option forbearance agreement with Craig K. Garnett and Melissa N. Garnett, for Edwards groundwater withdrawal rights in the total amount of not less than \$4,860.00 and not to exceed \$19,260.00 for the Voluntary Irrigation Suspension Program Option in support of the Edwards Aquifer Habitat Conservation Plan.
- F.4** Consider the recommendation the Aquifer Management and Planning Committee to approve amendments to Interlocal Cooperative Contract No. 17-837-EX with New Braunfels Utilities for the development and use of an aquifer storage and recovery project.
- F.5** Consider recommendation from the Finance/Administrative Committee to approve payment to Kemp Smith for legal services for July 2019.
- G. Individual Consideration**
- G.1** Consider recommendation from the Research & Technology Committee to approve a joint funding agreement with the United States Geological Survey for data collection services, in an amount not to exceed \$2,621,150.
- G.2** Consider recommendation from the Permits/Enforcement Committee to approve Proposed Rules related to the following Chapters of the EAA rules: Chapter 702 (Definitions); Chapter 711 (Groundwater Withdrawals), Subchapters C (Exempt Wells), D (Limited Production Wells), E (Groundwater Withdrawal Permits), and L (Administration of Permits).

- G.3** Consider recommendation from the Executive Committee to approve Proposed Rules related to the following Chapters of the EAA rules: Chapter 702 (Definitions); Chapter 707 (Procedure Before the Authority), Suchapters E (Actions on Applications) and F (Procedures for Contested Case Hearings); Chapter 709 (Fees), Subchapters B (Registration Fees), C (Permit Application Fees), D (Aquifer Management Fees), and E (Administrative Fees); Chapter 713 (Water Quality), Subchapters C (Well Construction, Operation, and Maintenance) and D (Well Closures); and Chapter 717 (Enforcement).
- G.4** Consider the recommendation the Aquifer Management and Planning Committee to approve a renewal and extension of an Interlocal Cooperation Contract with the Evergreen Underground Water Conservation District to conduct a Precipitation Enhancement Program, in an amount not to exceed \$163,000.
- G.5** Consider recommendation from the Finance/Administrative Committee to approve a contract for special counsel representation regarding certain enforcement matters.
- H. Staff Reports**
- H.1** Receive report from EAA staff on the General Manager's 2020 Proposed Operating Budget.
- 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. decided Aug. 28, 2019)

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

*Stratta v. Harris* (5th Cir. filed Nov. 29, 2018)

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. Discuss items for future board meeting agendas.**

**L. Adjournment.**

September 5, 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.