



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

Tuesday, September 13, 2022

4:00 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://us02web.zoom.us/j/85385797879>. 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, September 12, by emailing 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 July 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.
- E.2** 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.3** Receive report from EAA staff on the General Manager's 2023 Proposed Operating Budget.

F. Consent Agenda

- F.1** Approval of previous board meeting minutes
- Regular Board Meeting - August 9, 2022
- F.2** Consider recommendation from EAA staff to approve Joint Funding Agreement No. 22-020-AMS between the EAA and the United States Geological Survey for NAQWA Well Pump Installation, in an amount not to exceed \$67,090.
- F.3** Consider recommendation from EAA staff to approve the purchase of a nuclear magnetic resonance tool for hydrogeophysical research at the EAA's Field Research Park.
- F.4** Consider recommendation from the Permits/Enforcement Committee to approve an application to convert base irrigation groundwater owned by Second Nature Compost, LLC, based on a change in land use.
- F.5** 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.
- F.6** Consider recommendation from the Finance/Administrative Committee to approve the renewal of interlocal cooperation contracts with the Texas Municipal League Intergovernmental Risk Pool for property and casualty insurance, and for workers' compensation insurance, in the total amount of \$139,376, for the period of October 1, 2022 through October 1, 2023.

F.7

Consider recommendation from the Finance/Administrative Committee to amend the 2022 EAA Operating Budget by transferring \$60,000 from the Elections Professional Technical Services account to the Authority Operations Property Services account.

F.8

Consider recommendation from the Finance/Administrative Committee to approve payment to Kemp Smith, in the amount of \$38,752.75, for legal services for July 2022.

G. Individual Consideration**G.1**

Consider recommendation from the Permits/Enforcement Committee to approve forbearance agreements with Linda Susan Mechler and Carol Jean Mechler; Mary M. Schott and Timothy Wayne Schott; and F & M Santleben Properties, Ltd., 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 \$244,053.00, and not to exceed \$967,173.00.

G.2

Consider recommendation from the Permits/Enforcement 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 \$175,000.

G.3

Consider recommendation from EAA staff to: (1) accept the Certification of Candidates' Unopposed Status issued by Board Secretary Benjamin F. Youngblood, III; (2) adopt Resolution and Order No. 09-22-038 of the Edwards Aquifer Authority Board of Directors declaring the unopposed candidates elected to office from single-member districts 1, 3, 5, 7, 9, 10, 11, 13, and 15 within the boundaries of the EAA and cancelling those elections; and (3) direct the General Manager and General Counsel to take all appropriate actions in furtherance thereof as may be required by law.

G.4

Consider recommendation from EAA staff to settle Administrative Penalties issued under Section 1.37 of the EAA Act against Andrea Sanger for failing to file Annual Groundwater Use Reports with the EAA and failing to pay aquifer management fees.

G.5 Consider recommendation from EAA staff to assess an Administrative Penalty under Section 1.37 of the EAA Act against Grace Point Church (P100-614) and Mr. James Goodman (P105-286), for exceeding authorized groundwater withdrawals from an Edwards Aquifer well in 2021 and for failing to settle the violation with the EAA.

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)
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 8, 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.