



# Edwards Aquifer Authority

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

## NOTICE OF OPEN MEETING

### Board of Directors

---

Tuesday, February 12, 2019

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 December 2018.**
- E. **Board Reports**
- F. **Consent Agenda**
- F.1 **Approval of previous board meeting minutes  
- Regular Board Meeting - January 8, 2019**
- F.2 **Consider recommendation from the Permits/Enforcement Committee to accept a settlement counter-offer from Mr. Wayne Dent, related to exceeding authorized groundwater withdrawals during 2017.**
- F.3 **Consider recommendation from the Permits/Enforcement Committee to approve an application to convert base irrigation groundwater owned by Jerry Kye Mask, based on the installation of conservation equipment.**

- F.4 Consider recommendation from the Permits/Enforcement Committee to approve an application to convert base irrigation groundwater owned by Medina County, based on a change in land use.
- F.5 Consider recommendation from the Permits/Enforcement Committee to approve an ASR springflow protection program forbearance agreement with Johnathon Kirby Blomstedt and Mary Oralia Blomstedt for the Aquifer Storage and Recovery Forbearance Program, in support of the Edwards Aquifer Habitat Conservation Plan, in the total amount of \$9,900.00.
- F.6 Consider recommendation from the Finance/Administrative Committee to approve a final one-year renewal and extension of a contract with BBVA Compass for central depository services.
- F.7 Consider recommendation from the Finance/Administrative Committee to approve payment to Kemp Smith for legal services for December 2018.

#### G. Individual Consideration

- G.1 Consider recommendation from the Permits/Enforcement Committee to approve Voluntary Irrigation Suspension Program Option (VISPO) forbearance agreements with USA Modern Agriculture, LLC, and Larry E. Seitz MD Revocable Trust for Edwards groundwater withdrawal rights in the total amount of not less than \$199,006.47, and not to exceed \$788,655.27, for the Voluntary Irrigation Suspension Program Option in support of the Edwards Aquifer Habitat Conservation Plan.
- G.2 Consider recommendation from the Finance/Administrative Committee to approve the Edwards Aquifer Habitat Conservation Plan FY2019 Funding Application Amendments submitted by the City of New Braunfels (\$665,000) and the City of San Marcos/Texas State University (\$1,957,166).
- G.3 Consider recommendation from the Finance/Administrative Committee to amend the 2019 EAA Operating Budget by increasing the General Fund appropriation by \$241,419 and increasing the Habitat Conservation Plan Fund by \$409,606.
- G.4 Consider recommendation from the Executive Committee regarding items related to the EAA's 2019 legislative priorities.

**G.5 Consider recommendation from EAA staff to approve Groundwater Trust Transfer Contracts with the Church of Christ of New Braunfels and Mr. Douglas Miller.**

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

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

*Gibson v. Edwards Aquifer Auth.* (37th Dist. Ct., Bexar Cty., Tex. transferred Sept. 6, 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.**

February 7, 2019

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.