



Edwards Aquifer Authority

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

NOTICE OF OPEN MEETING - Draft

Board of Directors

Tuesday, August 13, 2019

3:00 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.

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 June 2019.
- E. Board Reports
- F. Consent Agenda
 - F.1 Approval of previous board meeting minutes
 - Regular Board Meeting - July 9, 2019
 - F.2 Consider recommendation from the Permits/Enforcement Committee to authorize the General Manager to enter into a Compromise and Settlement Agreement regarding the pending enforcement matter with the William J Bordelon Post 4700 Veterans of Foreign Wars of the United States.

- F.3** Consider recommendation from the Permits/Enforcement Committee to approve an application to convert base irrigation groundwater owned by LGI Homes of Texas, based on a change in land use.
- F.4** Consider recommendation from the Permits/Enforcement Committee to approve ASR springflow protection program forbearance agreements with Dos Ninas, LP; Dos Ninas, LLC; KO Water Land, LLC, a Texas limited liability company; Hattie Elizabeth Iredale; Marcy G. Rothe; Hart Components Land, L.P.; Sahil Management Ltd.; and 1909 Ltd., for the Aquifer Storage and Recovery Forbearance Program, in support of the Edwards Aquifer Habitat Conservation Plan, in the total amount of \$1,325,651.40.
- F.5** Consider recommendation from the Permits/Enforcement Committee to approve a Voluntary Irrigation Suspension Program Option forbearance agreement with Richard S. Castleberry and wife, Delores A. Castleberry, for Edwards groundwater withdrawal rights in the total amount of not less than \$8,528.22 and not to exceed \$33,797.02 for the Voluntary Irrigation Suspension Program Option in support of the Edwards Aquifer Habitat Conservation Plan.
- F.6** Consider recommendation from the Finance/Administrative Committee to approve the 2020 plan agreement with the Texas Counties and District Retirement System.
- F.7** Consider recommendation from the Finance/Administrative Committee to approve payment to Kemp Smith for legal services for June 2019.
- F.8** 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 EAA staff recommendation to approve a development agreement with Morgan's Wonderland Management Company and Morgan's Wonderland Camp, for development and construction of an EAA Educational Outreach Center, in a total amount not to exceed \$2,640,000.

G.2 Consider recommendation from the Permits/Enforcement Committee to approve a moratorium on the processing of certain applications to convert base irrigation groundwater.

G.3 Consider recommendation from the Finance/Administrative Committee to approve the purchase of employee medical insurance from Humana of Texas through CBG Benefits Group, in the approximate amount of \$634,500, for the period October 1, 2019 through September 30, 2020.

G.4 Consider recommendation from the Finance/Administrative Committee to authorize the General Manager to negotiate a contract with RSM US LLP, to conduct the EAA's fiscal 2019 audit.

H. Staff Reports

H.1 Receive report from EAA staff and consider possible action on the status of the EAA's coal tar sealant policy.

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)

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. nonsuited July 11, 2019)

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.**

August 8, 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.