



# Edwards Aquifer Authority

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

## NOTICE OF OPEN MEETING - Draft

### Board of Directors

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Tuesday, December 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 October 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 - November 12, 2019

- F.2** Consider EAA staff recommendation to approve a contract with ICF Jones and Stokes, Inc., to provide consultant services for an EAHCP Incidental Take Permit (ITP) options analysis, in the amount of \$98,160.
- F.3** Consider EAA staff recommendation to approve a conservation easement on the 151.61 acres known as Cibolo Vista Tracts 1 & 2 in Bexar County.
- F.4** Consider EAA staff recommendation to 1) rescind a VISPO forbearance agreement with LEC Legacy, Ltd. (P102-099); 2) enter into a VISPO forbearance agreement with the City of Uvalde (P101-740); and 3) enter into two ASR springflow protection forbearance agreements with LEC Legacy, Ltd. (P102-099 and P102-098), all in support of the Edwards Aquifer Habitat Conservation Plan.
- F.5** Consider EAA staff recommendation to approve payment to Kemp Smith for legal services for October 2019.

**G. Individual Consideration**

- G.1** Consider recommendation from the EAA Chairman to approve a contract between the EAA and Carriage House Partners, LTD, for legislative consultant services for the period January 1, 2020 through December 31, 2021.
- G.2** Receive report from EAA staff on the proposed EAA Response to Public Comment for the following Proposed Rules: Chapter 702 (Definitions); Chapter 707 (Procedure Before the Authority); Chapter 709 (Fees); Chapter 711 (Groundwater Withdrawals), Chapter 713 (Water Quality), Chapter 715 (Comprehensive Water Management), and Chapter 717 (Enforcement).
- G.3** Consider EAA staff recommendation to approve a Final Order Adopting Rules related to the following Chapters of the EAA rules: Chapter 702 (Definitions); Chapter 707 (Procedure Before the Authority); Chapter 709 (Fees); Chapter 711 (Groundwater Withdrawals), Chapter 713 (Water Quality), Chapter 715 (Comprehensive Water Management), and Chapter 717 (Enforcement).

- G.4 Consider EAA staff recommendation to rescind the temporary moratorium on the filing and processing of applications to convert base irrigation groundwater pursuant to section 711.342(6) or (7) of the EAA rules.

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. decided Aug. 28, 2019)**

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

*Cano Invs. v. Edwards Aquifer Auth.* (285th Bexar Cty. filed Oct. 24, 2019)

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.

December 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.