

Legislation Text

File #: REP 13-1157, Version: 2

Receive report from EAA staff regarding the revised Edwards Aquifer Authority General Manager Compliance and Settlement Guidelines.

STAFF RECOMMENDED MOTION:

None. This item is for informational purposes only.

SUMMARY:

The purpose of this agenda item is for the board to receive a report from EAA staff regarding revisions to the existing *Compliance Settlement Guidelines of the Edwards Aquifer Authority* to support EAA's expanded enforcement options with the potential use of an administrative penalty process. The revised document supports §717.108(6) (Enforcement Actions by the Board) where the Board may, "...authorize the general manager to enter into a settlement agreement with a person." These revised guidelines, renamed *The Edwards Aquifer Authority General Manager Compliance and Settlement Guidelines (March 26, 2019)* ("Guidelines"), are attached to this item.

The Guidelines document describes general guidance to be followed by EAA staff in proposing settlement terms and conditions to resolve certain violations of the EAA rules already acknowledged by the EAA's Board of Directors. They include a description of authorized compliance requirements necessary to resolve a violation and any settlement that must be made to fully resolve the matter. Generally, EAA staff works to ensure full compliance is achieved before offering a settlement.

Failing to resolve a violation using this procedure will necessitate further enforcement using an administrative penalty, by judicial civil enforcement, or any other action authorized by law to address the violation.

At the March 26 meeting of the Permits/Enforcement Committee, EAA staff presented these draft guidelines and discussed the proposed compliance and settlement requirements, and the alternative approaches staff could offer in resolving violations.

STRATEGIC PLAN REFERENCE:

This agenda item does not relate to a specific goal or action step within the Strategic Plan, but supports the general EAA mission.

FISCAL IMPACT:

Revenue received through compliance settlements is dedicated to the Conservation/Aquifer Protection Fund. This revenue is used solely to fund projects expressly devoted to the protection and benefit of the endangered species associated with the Edwards Aquifer. No revenue derived from compliance settlements is used to fund operating expenses or capital purchases of the EAA.