



Legislation Text

File #: AI 13-2277, Version: 2

Consider recommendation from the Executive Committee 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.

RECOMMENDED MOTION:

Move the board: (1) rescind a VISPO forbearance agreement with LEC Legacy, Ltd. (P102-099); (2) adopt Resolution and Order No. 12-19-954 of the Edwards Aquifer Authority Board of Directors to approve a VISPO forbearance agreement with the City of Uvalde (P101-740); and (3) adopt Resolution and Order No. 12-19-955 of the Edwards Aquifer Authority Board of Directors to approve 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, and authorize the General Manger to execute the rescission and the subsequent agreements.

SUMMARY:

The purpose of this agenda item is for the board to consider an Executive Committee recommendation to approve four transactions in furtherance of springflow protection measures. The four related transactions necessitate a rescission in order to be fully implemented. The forbearance agreements, the rescission, and the associated resolution and orders are attached to this summary for the board's reference. In brief, LEC Legacy, Ltd., owns a permit enrolled in the EAA's VISPO program. The City of Uvalde has agreed to take over LEC Legacy's VISPO agreement, allowing LEC Legacy to enroll more groundwater into the ASR forbearance program.

Attached to this summary are the recission of VISPO forbearance agreement with LEC Legacy, Ltd.; the VISPO forbearance agreement with the City of Uvalde; two ASR springflow protection forbearance agreements with LEC Legacy, Ltd.; and resolutions related to the VISPO and ASR agreements. All documents have been reviewed by legal counsel. EAA staff will explain the transactions and answer related questions at the December 10 meeting.

At the December 3 meeting, the Executive Committee voted to recommend the board: (1) rescind a VISPO forbearance agreement with LEC Legacy, Ltd. (P102-099); (2) adopt a resolution and order of the Edwards Aquifer Authority Board of Directors to approve a VISPO forbearance agreement with the City of Uvalde (P101-740); and (3) adopt a resolution and order of the Edwards Aquifer Authority Board of Directors to approve 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, and authorize the General Manger to execute the rescission and the subsequent agreements.

M/WBE PARTICIPATION:

This agenda item does not involve the procurement of goods or services by the EAA and, therefore, this section is not applicable.

STRATEGIC PLAN REFERENCE:

This agenda item supports the EAA's policy direction as set forth in the EAA 2016-20 Strategic Plan: Goal A. Sustain Federally Protected Aquifer-Dependent Species

FISCAL IMPACT:

Funding for the City of Uvalde's VISPO agreement in the amount of \$27,000 is available in the 2020 operating budget. The total cost for the VISPO agreement over its 5-year term is between \$135,000 and \$400,000, dependent upon program triggers.

Funding for LEC Legacy Ltd.'s two ASR Forbearance Agreements of \$15,584.50 and \$38,615.50, each, is available in the 2020 operating budget. The total cost for the two ASR Forbearance Agreements over the 10-year term is \$542,000.