



NOTICE OF OPEN MEETING

Available at www.edwardsaquifer.org

As required by Article VI, Sections 6.01, 6.04, and 6.05 of the Bylaws of the Edwards Aquifer Authority, a meeting of the Board of Directors will be held on **Tuesday, October 12, 2010, at 3:00 p.m. in the Conference Center of the Authority's office, 1615 N. St. Mary's, San Antonio, Texas.**

At this meeting, the following business may be considered and recommended for board action:

- A. [Call to Order – Roll Call – Pledge of Allegiance.](#)
- B. [Public comment.](#)
- C. [General Manager's announcements and report.](#)
 - [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 \(schedule changes, program updates, etc.\)](#)
 - [Aquifer Conditions](#)
- D. [Receive quarterly report from Director Jerry James, 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.](#)
- E. [Receive report on recent activities of the Edwards Aquifer Recovery Implementation Program \(RIP\) from Program Manager Dr. Robert Gulley.](#)

CONSENT ITEMS

- F. [Approval of previous board meeting minutes.](#)
 - [Regular Board Meeting – September 14, 2010](#)
- G. [Consider recommendation from the Permits/Enforcement Committee to authorize the General Manager to enter into Compromise and Settlement Agreements regarding the pending enforcement matters with the following:](#)
 1. [John M. Kassai and](#)
 2. [Gerald W. Harrell](#)

- H. Consider recommendation from the Permits/Enforcement Committee to authorize the General Manager to enter into compromise and settlement agreements based on proposed counter offers regarding the pending enforcement matters with the following:
1. T.O.P. Ministries, Inc.;
 2. New Life Christian Ministry, Inc; and
 3. Carroll Dale Walker.
- I. Consider recommendation from the Permits/Enforcement Committee to reject the proposed counter offer regarding the pending enforcement matter with the City of Converse.
- J. Consider recommendation from the Permits/Enforcement Committee to approve the following Applications to Convert Base Irrigation Groundwater based on the installation of conservation equipment for the amount stated in the “Permits/Enforcement Committee Recommended Groundwater Withdrawal Conversion Amount” column within the table below:

Permit #	Owner Name	Initial Regular Permit Groundwater Withdrawal Amount (acre-feet)	Base Irrigation Groundwater Withdrawal Rights (acre-feet)	Applicant Requested Groundwater Withdrawal Conversion Amount (acre-feet)	Permits/ Enforcement Committee Recommended Groundwater Withdrawal Conversion Amount (acre-feet)
P102-134 (UV00628)	Driskill Feedyard, Inc.	154.400	154.400	64.454	64.454
P101-005 (ME00352)	Thomas Boehme and wife, Helene Mae Boehme	456.800	228.400	112.781	85.808

- K. Consider recommendation from the Finance/Administrative Committee to approve payment to Kemp Smith for legal and regulatory assessment services for August 2010.
- L. Consider recommendation from the Finance/Administrative Committee to approve a contract for election services between the Edwards Aquifer Authority and Guadalupe County in the estimated amount of \$34,353, to conduct the Authority’s November 2, 2010, general director election within that portion of director district 9 that lies within Guadalupe County, and authorize the General Manager to execute the contract.
- M. Consider report and recommendation from Treasurer Mark Taylor to accept the unaudited financial statement for the month of September 2010.

ITEMS FOR INDIVIDUAL CONSIDERATION

- N. Consider recommendation from the Aquifer Management Planning Committee to direct staff to draft a concept memorandum for proposed rules based on certain options identified within the Authority’s Water Quality Protection Framework document as discussed at the August 13-15, 2010, work session of the board of directors.
- O. Consider recommendation from the Aquifer Management Planning Committee to approve Resolution and Order No. 10-10-645 of the Board of Directors of the Edwards Aquifer Authority adopting the Edwards Aquifer Authority Groundwater Management Plan (GMP) for 2010-2015, and authorizing the General Manager to submit the plan to the Texas Water Development Board for final approval.
- P. Consider recommendation from the Finance/Administrative Committee to authorize staff to hold public meetings on the 2011 proposed operating budget and aquifer management fee rate.

Q. Consider recommendation from the Ad Hoc Building Committee to approve an agreement between the Edwards Aquifer Authority and Test Inc. for the sale and removal of an Authority-owned house from its present location at 902 E. Quincy St.; authorize the General Manager to execute the agreement and all necessary documents; and appropriate \$28,000 in the Building Fund.

R. 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:

1. Consultation with Attorney - Pending Litigation (§ 551.071)

1.1 Active Litigation:

1.1.1 *Guadalupe-Blanco River Auth. v. Royal Crest Homes*, No. 89-0381 (22nd Dist. Ct., Hays County, Tex. filed June 15, 1989).

1.1.2 *Bragg v. Edwards Aquifer Auth.*, No. 06-11-18170-CV (38th Jud. Dist., Medina County, Tex. filed Nov. 21, 2006).

1.1.3 *Horton v. Edwards Aquifer Auth.*, No. 07-03-25684-CV-A (38th Dist. Ct., Uvalde County, Tex. remanded on attorney's fees June 11, 2010).

1.1.4 *Edwards Aquifer Auth. v. Day*, No. 08-0964 (Tex. pet. granted Jan. 15, 2010).

1.2 Active Litigation: Enforcement:

1.2.1 *Edwards Aquifer Auth. v. Day*, No. 2008-CI-03611 (73rd Dist. Ct., Bexar County, Tex. filed Mar. 5, 2008).

1.2.2 *Edwards Aquifer Auth. v. Mead*, No. 2009-CI-01456 (407th Dist. Ct., Bexar County, Tex. filed Jan. 29, 2009).

1.2.3 *State of Texas v. Zumwalt*, No. D-1-GV-001195 (345th Dist. Ct., Travis County, Tex. EAA action filed Feb. 3, 2009).

1.2.4 *Edwards Aquifer Auth. v. Sandoval*, No. 2009-CI-02111 (131st Dist. Ct., Bexar County, Tex. filed Feb. 9, 2009).

1.2.5 *Edwards Aquifer Auth. v. BRTC Investments, LP*, No. 2009-CI-02914 (131st Dist. Ct., Bexar County, Tex. filed Feb. 20, 2009).

1.2.6 *Edwards Aquifer Auth. v. Rash*, No. 2009-CI-02915 (150th Dist. Ct., Bexar County, Tex. filed Feb. 20, 2009).

1.2.7 *Edwards Aquifer Auth. v. Barnard*, No. 2010-CI-00941 (131st Dist. Ct., Bexar County, Tex. filed Jan. 21, 2010).

1.2.8 *Edwards Aquifer Auth. v. Hot Wells, L.P.*, No. 2010-CI-01213 (285th Dist. Ct., Bexar County, Tex. filed Jan. 26, 2010).

1.2.9 *Edwards Aquifer Auth. v. Jaffe*, No. 2008-CI-20186 (150th Dist. Ct., Bexar County, Tex. summary judgment June 14, 2010).

1.3 Administrative:

1.3.1 *Attorney General Opinion No.GA-795 on Certain Issues Concerning Overlapping Jurisdiction between the Plum Creek and Gonzales County Underground Water Conservation Districts* (issued Aug. 27, 2010).

1.3.2 *Attorney General Opinion No.GA-792 on Certain Issues Concerning Overlapping Jurisdiction between Several Groundwater Conservation Districts* (issued Aug. 26, 2010).

1.3.3 *In the Matter of the Request by Rep. Allan Ritter, Chairman, House Natural Resources Committee, for an Attorney General's Opinion Regarding Potential Conflict of Interest arising under Chapter 171, Texas Local Government Code, RQ-0853-GA* (Texas Attorney General, filed Jan. 14, 2010).

2. Consultation with Attorney – Attorney/Client Privileged Consultations (§ 551.071)

3. **Deliberations Regarding Real Property (§ 551.072)**

4. Deliberations Regarding Personnel Matters (§ 551.074)

- S. Consider recommendation(s) regarding matters discussed in closed session.
- T. Discuss items for future board meeting agendas.
- U. Adjournment.

October 7, 2010

Jennifer Wong-Esparza
Assistant to Board Secretary

In this Notice of Open Meeting ("Notice"), the posting of an agenda item 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.