



EDWARDS AQUIFER
AUTHORITY

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, January 9, 2007, at 3:00 p.m. in the Braden Keller Community Center, 1410 Amelia Street, Castroville, 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.](#)
- D. [Committee reports.](#)
- E. [Receive report from Director Bob Keith, 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. [Receive report from Mr. Frank Santos, J.D., Legislative Consultant, on recent legislative activities.](#)

CONSENT ITEMS

- G. [Approval of previous board meeting minutes.](#)
 - [Regular Board Meeting – December 12, 2006](#)
- H. [Consider recommendation from Authority staff regarding the following pending enforcement matters:](#)
 - [Gary C. Mutz;](#)
 - [Selma Amphitheater, LLC; and](#)
 - [Eric Myers and George E. Myers d/b/a Mockingbird Mobile Home Park.](#)
- I. [Consider recommendation from Authority staff to approve payment to Kemp Smith for legal services.](#)
- J. [Consider report and recommendation from Treasurer Hunter Schuehle to accept the unaudited financial statement for the month of December 2006.](#)
- K. [Consider recommendation from Authority staff to approve the Authority’s signatories for banking transactions.](#)
- L. [Consider recommendation from Authority staff regarding authorization to maintain current plan provisions with no change for members of the Authority’s defined benefit retirement plan offered through the Texas Counties and Districts Retirement System.](#)

ITEMS FOR INDIVIDUAL CONSIDERATION

M. Receive report from Authority staff on a Texas Water Development Board report titled: Rainwater Harvesting Potential and Guidelines for Texas, and from Mr. John Kight, retired engineer, on the three key findings and nine key recommendations from the report, and an example of a rainwater harvesting system constructed in the Boerne, Texas area.

N. Consider approval of the following Final Orders Denying Applications To Transfer And Amend Permit Regarding Changes To The Point Of Withdrawal From West Of Cibolo Creek To East Of Cibolo Creek, Among Other Things:

Application Number	Permit #	Derived from	Transferor Name	Transferee Name	Proposed Transferred Groundwater Withdrawal Amount (acre-feet)
		ORIGINAL INITIAL PERMIT #			
T101-715	P100-655	P100-654 BE00314	Laguna Water II, Ltd.	Laguna Water II, Ltd.	500.000
T101-716	P100-468	P100-467 BE00195	Laguna Water II, Ltd.	Laguna Water II, Ltd.	225.000
T101-717	P100-336	P100-336 BE00115	Laguna Water II, Ltd.	Laguna Water II, Ltd.	361.000
T101-718	P100-475	P100-336 BE00115	Laguna Water II, Ltd.	Laguna Water II, Ltd.	208.200
T101-719	P101-896	P101-895 UV00518	Laguna Water II, Ltd.	Laguna Water II, Ltd.	750.000

O. Consider recommendation from Authority staff to adopt an order issuing a temporary moratorium on the filing and processing of applications to transfer permits relative to Cibolo Creek transfers.

P. Consider recommendation from the Executive Committee to adopt Resolution and Order No. 01-07-567 of the Edwards Aquifer Authority Board of Directors authorizing activities related to the 80th Session of the Texas Legislature.

Q. Receive report from Mr. Robert Potts, General Manager, regarding issues related to the EDWARDS AQUIFER AUTHORITY RULES.

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 Authority v. Royal Crest Homes*, No. 89-0381 (22nd Dist. Ct., Hays County, Tex. filed June 15, 1989).
- 1.1.2 *Chemical Lime, Ltd. v. Edwards Aquifer Authority*, No. C2004-115A (22nd Dist. Ct., Comal County, Tex. filed Jan. 22, 2004).
- 1.1.3 *Day v. Edwards Aquifer Authority*, No. 04-04-0294-CVA (218th Dist. Ct., Atascosa County, Tex. filed Apr. 23, 2004).
- 1.1.4 *777 Operating Company v. Edwards Aquifer Authority*, No. 05-10-17660-CV (38th Dist. Ct., Medina County, Tex. filed Oct. 27, 2005).
- 1.1.5 *Bragg v. Edwards Aquifer Authority*, No. 06-11-18170-CV (38th Jud. Dist., Medina County, Tex. removed to federal court Dec. 26, 2006).
- 1.1.6 *Edwards Aquifer Authority v. Chemical Lime, Ltd.*, No. 06-0911 (Tex. pet. filed Nov. 29, 2006).
- 1.1.7 *Bragg v. Edwards Aquifer Authority*, No. 06-CA-1129-XR (W. D. Tex. filed Dec. 26, 2006).

- 1.2 Active Litigation: Enforcement
- 1.2.1 *Edwards Aquifer Authority v. Milberger Landscaping, Inc.*, No. 2004-CI-17559 (37th Dist. Ct., Bexar County, Tex. filed Nov. 23, 2004).
- 1.2.2 *Edwards Aquifer Authority v. Berry*, No. 2005-CI-05609 (37th Dist. Ct., Bexar County, Tex. filed Apr. 11, 2005).
- 1.2.3 *Edwards Aquifer Authority v. Boyd*, No. 2005-CI-17842 (224th Dist. Ct., Bexar County, Tex. filed Nov. 8, 2005).

- 1.3 Administrative:
- 1.3.1 *In The Matter Of The Request Of The South Central Texas Water Advisory Committee For The Texas Commission On Environmental Quality To Review The Final Action Of The Board Of Directors Of The Edwards Aquifer Authority Taken On December 16, 2003, To Adopt Resolution And Order No. 12-03-478 Relative To Certain Rulemaking* (Texas Commission on Environmental Quality, State of Texas, filed June __, 2004).
- 1.3.2 *In the Matter of the Request by Rep. Hilderbran for an Opinion of the Attorney General on Certain Issues Concerning the "Junior/Senior" Rules of the Edwards Aquifer Authority* (Texas Attorney General, filed Mar. 22, 2006).

2. Consultation with Attorney – Attorney/Client Privileged Consultations (§ 551.071)
3. Consultation with Attorney (§ 551.071)
4. Deliberations Regarding Real Property (§ 551.072)
5. 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.

January 4, 2007

Jennifer Wong-Esparza
Administrative Assistant

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.