



Edwards Aquifer Authority

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

Meeting Minutes

Board of Directors

*Enrique Valdivia, Chairman Rachel Sanborn, Vice-Chairman
Ben Youngblood, Secretary Byron Miller, Treasurer*

Tuesday, April 11, 2023

4:00 PM

EAA Board Room

A. Call to Order – Roll Call

Chairman Valdivia called the meeting to order at 4:00 p.m.

Present: 14 - Director Austin Bodin, Director Deborah Carington, Director Rader Gilleland, Director Matthew Hoyt, Director Kathleen Krueger, Director Gary Middleton, Treasurer Byron Miller, Director Randall Perkins, Director Russell Persyn, Director Abe Salinas, Vice Chair Rachel Sanborn, Chair Enrique Valdivia, Director Scott Yanta and Secretary Ben Youngblood

Absent: 3 - Director Don Baker, Director Fohn Bendele and Director Carol Patterson

B. Public Comment

There were no citizens who requested to address the board.

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

Mr. Roland Ruiz, General Manager, made the following announcements:

- *Ms. Destiny Guerra was hired as a Field Inspection Technician for External & Regulatory Affairs.*
- *Mr. Roberto Esquilin, Senior Geoscientist for Data Management, completed 25 years of service with the EAA.*
- *Mr. Chuck Ahrens, Director of Water Resources, was retiring after six years of service with the EAA.*
- *During the process of securing an access agreement to one of the EAA's research monitoring wells in northern Bexar County, the property owner proposed an opportunity for the property to potentially be deeded to the EAA at no cost. EAA staff plans to meet with the property owner to determine the preferred avenue for conveyance, via the EAC or EAA.*
- *All four of the protesting parties to the recent recharge dam permit amendments have executed settlement agreements under the terms previously discussed in closed session and staff was waiting for next steps from TCEQ in order to amend the applications and close the matter out.*
- *The EAA 2023 groundwater conservation grant program was now open and accepting applications until May 31. Staff budgeted \$300k for this year's allotment of grant monies focused on upgrading irrigation efficiency, with possibly more dollars available from a Texas Water Development Board grant application that was pending.*
- *The Education Outreach Center was celebrating its first anniversary of operation on Friday, April 14, from 10 a.m. to 3 p.m. There would be treats and ongoing tours of the facility.*
- *Mr. Paul Bertetti, Director of Aquifer Science, briefed the board on current aquifer conditions.*

D. Treasurer's Report**D.1**

Receive report from EAA staff on unaudited financial statements for February 2023.

The board did not have any questions for Treasurer Miller regarding the unaudited financial statements for February 2023.

E. Board Reports**F. Consent Agenda**

F.1 Approval of previous board meeting minutes
- Regular Board Meeting - March 14, 2023

Approval of previous board meeting minutes
- Regular Board Meeting - March 14, 2023

F.2 Consider recommendation from the Finance/Administrative
Committee to approve payment to Kemp Smith, in the amount
of \$42,144.71 for legal services for February 2023.

Approve payment to Kemp Smith, in the amount of \$42,144.71, for legal services for
February 2023.

A motion was made by Treasurer Miller, seconded by Director Yanta, to approve the
consent agenda. The motion passed without opposition.

G. Individual Consideration

G.1 Receive report from independent auditor, RSM US LLP, and
consider recommendation from the Finance/Administrative
Committee to accept the audit report for the 12-month period of
January 1, 2022 through December 31, 2022.

Mr. Joel Perez, RSM LLP, introduced this item to the board. Mr. Marc Sewell, RSM
LLP, presented highlights of the initial draft audit document and the conduct of the
audit. Mr. Robert Williams, Minority Subcontractor, commented on the audit.

A motion was made by Treasurer Miller, seconded by Secretary Youngblood,
the board accept the audit report as presented by independent auditor, RSM
US LLP, for the 12-month fiscal period of January 1, 2022 through December 31,
2022. The motion passed without opposition.

[Attached and made a part of these minutes.]

G.2 Consider recommendation from the Permits/Enforcement
Committee to approve a conversion of base irrigation
groundwater owned by Continental Homes of Texas, L.P.

Mr. Omar Garcia, Water Resources Manager, briefed the board regarding the
conversion of base irrigation groundwater owned by Continental Homes of Texas, L.P.

A motion was made by Director Gilleland, seconded by Director Yanta, the
board adopt a Final Order Granting Application to Convert Base Irrigation
Groundwater to Unrestricted Irrigation Groundwater based on changes in land
use submitted by Continental Homes of Texas, L.P. The motion passed without
opposition.

[Attached and made a part of these minutes.]

G.3

Consider recommendation from the Permits/Enforcement Committee to approve forbearance agreements with Sidney H. Clary; John A. Persyn and Karen P. Persyn; Frank Persyn, Jr. and Henry Persyn; Kristopher M. Benke; HABY47 FARM, LLC; Deborah Ann Benke; Rodney Carl Hitzfelder; Deborah Benke; John Aviel Persyn; Robyn Jagge Masrouri; Raymond L. Jagge; Sharon Jagge Rogers; Sandra Moerbe; and Dorothy Marie Bourquin DeCock for Edwards groundwater withdrawal rights for the Voluntary Irrigation Suspension Program Option in support of the Edwards Aquifer Habitat Conservation Plan, in the total amount of not less than \$662,281.92, and not to exceed \$2,624,598.72.

Mr. Javier Hernandez, Special Projects Liaison, briefed the board regarding approving forbearance agreements for Edwards groundwater withdrawal rights for the Voluntary Irrigation Suspension Program Option.

A motion was made by Director Gilleland, seconded by Director Yanta, the board adopt Resolution and Order No. 04-23-047 of the Edwards Aquifer Authority Board of Directors to approve VISPO forbearance agreements for permitted Edwards groundwater rights between the EAA and: Sidney H. Clary; John A. Persyn and Karen P. Persyn; Frank Persyn, Jr. and Henry Persyn; Kristopher M. Benke; HABY47 FARM, LLC; Deborah Ann Benke; Rodney Carl Hitzfelder; Deborah Benke; John Aviel Persyn; Robyn Jagge Masrouri; Raymond L. Jagge; Sharon Jagge Rogers; Sandra Moerbe; and Dorothy Marie Bourquin DeCock for the Voluntary Irrigation Suspension Program Option in support of the Edwards Aquifer Habitat Conservation Plan, and authorizing the General Manager to execute the Agreements. Director Persyn abstained from the vote on the motion. The motion passed without opposition.

[Attached and made a part of these minutes.]

- G.4 Consider recommendation from the Finance/Administrative Committee to approve an Edwards Aquifer Habitat Conservation Plan FY2023 Funding Application Amendment submitted by the Edwards Aquifer Authority and associated 2023 EAA Operating Budget amendment by increasing the Habitat Conservation Plan fund by \$517,282.**

Mr. Damon Childs, Contract Administrator, briefed the board regarding approving an Edwards Aquifer Habitat Conservation Plan FY2023 Funding Application Amendment submitted by the Edwards Aquifer Authority and associated 2023 EAA Operating Budget amendment by increasing the Habitat Conservation Plan fund.

A motion was made by Treasurer Miller, seconded by Director Perkins, the board adopt Resolution and Order No. 04-23-048 of the Edwards Aquifer Authority Board of Directors approving an amendment to the Edwards Aquifer Habitat Conservation Plan FY2023 EAA Funding Application increasing the funding request from \$19,844,684 to \$20,361,966 and amending the 2023 EAA Operating Budget accordingly. The motion passed without opposition.

[Attached and made a part of these minutes.]

- G.5 Consider recommendation from the Finance/Administrative Committee to approve an Edwards Aquifer Habitat Conservation Plan FY2023 Funding Application Amendment submitted by the City of New Braunfels and associated 2023 EAA Operating Budget amendment by increasing the Habitat Conservation Plan fund by \$28,401.**

Mr. Childs briefed the board regarding approving an Edwards Aquifer Habitat Conservation Plan FY2023 Funding Application Amendment submitted by the City of New Braunfels and associated 2023 EAA Operating Budget amendment by increasing the Habitat Conservation Plan fund.

A motion was made by Treasurer Miller, seconded by Director Sanborn, the board adopt Resolution and Order No. 04-23-049 of the Edwards Aquifer Authority Board of Directors approving an amendment to the Edwards Aquifer Habitat Conservation Plan FY2023 Funding Application for the City of New Braunfels increasing the funding request from \$1,055,385 to \$1,083,786 and amending the 2023 EAA Operating Budget accordingly. The motion passed without opposition.

[Attached and made a part of these minutes.]

- G.6 Consider recommendation from the Finance/Administrative Committee to amend the 2023 EAA Operating Budget by increasing the General Fund appropriation by \$25,000.**

Ms. Shelly Hendrix, Director/Controller Financial Services, briefed the board regarding amending the 2023 EAA Operating Budget by increasing the General Fund appropriation by \$25,000.

A motion was made by Treasurer Miller, seconded by Director Salinas, the board amend the 2023 EAA Operating Budget by increasing the General Fund appropriation for Capital Assets by \$25,000. The motion passed without opposition.

- G.7 Consider recommendation from the Finance/Administrative Committee to clear delinquent aquifer management fees of certain former permit holders and other small balances.**

Mr. Marc Friberg, Deputy General Manager, briefed the board regarding clearing delinquent aquifer management fees of certain former permit holders and other small balances.

A motion was made by Treasurer Miller, seconded by Director Sanborn, the board approve the clearing of delinquent aquifer management fees of certain former permit holders and other small balances and authorize the General Manager to take all necessary actions to do so. The motion passed without opposition.

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:

Chairman Valdivia closed the meeting to the public at 4:40 p.m.

I.1 Closed Session

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

Active Litigation:**Schindel v. Edwards Aquifer Auth. (W.D. Tex. Sept. 2, 2022)**

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)

Chairman Valdivia reopened the meeting to the public at 5:08 p.m.

J. Consider recommendation(s) regarding matters discussed in closed session.

The board did not consider any recommendations.

K. Future Board Meeting Agendas

The board did not discuss future board meeting agenda items.

L. Adjournment

There being no further business to discuss, the meeting adjourned at 5:09 p.m.

Benjamin F. Youngblood III
Secretary, Board of Directors

Jennifer Wong-Esparza
Assistant to Board Secretary