



Edwards Aquifer Authority

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

Meeting Minutes - Draft

Board of Directors

Tuesday, January 8, 2019

3:00 PM

EAA Board Room

A. Call to Order – Roll Call – Pledge of Allegiance.

Chairman Buckner called the meeting to order at 3:01 p.m.

Present: 17 - Chairman Luana Buckner, Director Deborah Carington, Treasurer Ron Ellis, Director Rader Gilleland, Director Kathleen Krueger, Director Don Laffere, Director Gary Middleton, Director Byron Miller, Director Carol Patterson, Director Abe Salinas, Director Rachel Sanborn, Director Pat Stroka, Secretary Enrique Valdivia, Director Ron Walton, Director Clark Ward, Director Scott Yanta and Vice Chairman Ben Youngblood

B. Public comment.

There were no citizens who requested to address the board.

C. Election of Officers for the Board of Directors

C.1 Consider election of EAA board officers.

A motion was made by Director Ellis, seconded by Director Laffere, to nominate Director Buckner for Chairman of the Board. The motion passed viva voce.

A motion was made by Director Laffere, seconded by Director Miller, to nominate Director Youngblood for Vice-Chairman of the Board. The motion passed viva voce.

A motion was made by Director Stroka, seconded by Director Miller, to nominate Director Valdivia for Secretary of the Board. The motion passed viva voce.

A motion was made by Director Patterson, seconded by Director Valdivia, to nominate Director Ellis for Treasurer of the Board. The motion passed viva voce.

D. Election of Additional Members to the Executive Committee

D.1 Consider election of directors to serve on the EAA Executive Committee.

A motion was made by Treasurer Ellis, seconded by Vice-Chairman Youngblood, to nominate Director Patterson as an additional member to the Executive Committee. The motion passed *viva voce*.

A motion was made by Secretary Valdivia, seconded by Director Laffere, to nominate Director Stroka as an additional member to the Executive Committee. The motion passed *viva voce*.

E. Appointment of Members to the Edwards Aquifer Conservancy Board

E.1 Consider appointment of Edwards Aquifer Conservancy board members.

A motion was made by Director Stroka, seconded by Director Patterson, to retain the six currently serving members (Buckner, Ellis, Laffere, Stroka, Valdivia, and Youngblood) of the Edwards Aquifer Conservancy board. The motion passed *viva voce*.

A motion was made by Director Patterson, seconded by Director Laffere, to nominate Director Miller as a new member of the Edwards Aquifer Conservancy board. The motion passed *viva voce*.

F. General Manager's announcements and reports.

F.1

- 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.)
- Recent Activities of the Edwards Aquifer Habitat Conservation Program
- Aquifer Conditions

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

- *Mr. Matthew Rogers was hired as an Environmental Analyst for Aquifer Protection.*
- *Mr. Roel Loera was transferred from Groundwater Protection to Aquifer Protection as an Environmental Coordinator.*
- *Directors received an introduction to the concept of an EAA sponsored, long-term field research laboratory. Development of a long-term field research laboratory, also referred as a "Hydrologic Observatory," provides a unique ability to monitor, study, and document the numerous aspects of the water cycle and increasing man-made impacts to the Edwards and adjacent Trinity aquifers. Approaches similar to this have been established in key areas throughout the world, including in the U.S. by the National Science Foundation as "Critical Zone Observatories, or CZOs." These CZOs are defined as environmental laboratories and foundational platforms for research that function at the watershed scale and focus on the interconnected chemical, physical, and biological processes affecting the Earth's surface. By applying this approach to the karst aquifers of south-central Texas, we would have the ability to formulate, test, and refine hypotheses related to aquifer recharge, climate change, cross-formational groundwater flow, landscape management impacts, effects of drought, influence of regional pumping stress, and many other water cycle related processes unique to the Edwards and Trinity aquifer system in great detail with an organized and integrated system.*
- *The annual Dream Week Summit Kick-off breakfast was scheduled for Friday, January 11 at 7:30 a.m. at Spire in St. Paul Square at 230 Center Street in San Antonio.*
- *Directors were asked to review Article XII Code of Ethics in the EAA Bylaws and complete the acknowledgement form.*
- *Directors were reminded to submit their 2018 expense reimbursements.*
- *Directors were given a copy of the updated board directory.*
- *Directors received an update on legislative activities.*
- *Mr. Paul Bertetti, Director of Aquifer Science, briefed the board on current aquifer conditions.*

G. Treasurer's Report**G.1 Receive report from EAA staff on unaudited financial statements for November 2018.**

Treasurer Ellis presented the unaudited financial statements for November 2018.

H. Board Reports**I. Consent Agenda**

**I.1 Approval of previous board meeting minutes
 - Regular Board Meeting - December 11, 2018**

*Approval of previous board meeting minutes
- Regular Board Meeting - December 11, 2018*

**I.2 Consider recommendation from EAA staff to approve payment
 to Kemp Smith for legal services for November 2018.**

*Approve payment to Kemp Smith in the amount of \$113,736.93 for legal services for
November 2018.*

*A motion was made by Director Laffere, seconded by Director Stroka, to approve the
consent agenda. The motion passed viva voce.*

J. Individual Consideration

**J.1 Consider recommendation from EAA staff to approve an
 application to convert base irrigation groundwater owned by
 F&M Santleben Properties, Ltd., based on the installation of
 conservation equipment.**

*Mr. Omar Garcia, Permits Supervisor, briefed the board regarding the application to
convert base irrigation groundwater owned by F&M Santleben Properties, Ltd., based
on the installation of conservation equipment.*

**A motion was made by Secretary Valdivia, seconded by Director Yanta, the
board adopt a Final Order Granting Application to Convert Base Irrigation
Groundwater for Regular Permit No. P100-966 (ME00336) based on the
installation of conservation equipment submitted by F&M Santleben Properties,
Ltd. The motion passed viva voce.**

[Attached and made a part of these minutes.]

J.2

Consider recommendation from EAA staff to approve ASR springflow protection program forbearance agreements with Kelling Farms, Ltd., Mike H. McCraw and Paula N. McCraw, Husband and wife, Farr Investments, LP., Robert O. Coleman and Betty Lou Coleman, Scott G. Yanta and Kimberly Yanta, F & M Santleben Properties, Ltd., and Elm Creek Owners Association for the Aquifer Storage and Recovery Forbearance Program in support of the Edwards Aquifer Habitat Conservation Plan, in the total amount of \$2,538,700.00 and ratify the execution of the forbearance agreements by the General Manager.

Mr. Javier Hernandez, Special Projects Liaison, briefed the board regarding the ASR springflow protection program forbearance agreements.

A motion was made by Secretary Valdivia, seconded by Director Patterson, the board approve Resolution and Order No. 01-19-923 of the Edwards Aquifer Authority Board of Directors approving forbearance agreements of permitted Edwards Groundwater Rights from certain permit holders to the EAA relative to springflow protection associated with the Aquifer Storage and Recovery project of the San Antonio Water Systems in support of the Edwards Aquifer Habitat Conservation Plan and ratifying the execution of the forbearance agreements by the General Manager. Director Yanta abstained from the vote on the motion. The motion passed viva voce.

[Attached and made a part of these minutes.]

J.3

Consider recommendation from EAA staff to approve Voluntary Irrigation Suspension Program Option (VISPO) forbearance agreements with KNJK Family Limited Partnership, Steve Cargil, and East Medina County Special Utility District for Edwards groundwater withdrawal rights in the total amount of not less than \$444,265.02 and not to exceed \$1,760,605.82 for the Voluntary Irrigation Suspension Program Option in support of the Edwards Aquifer Habitat Conservation Plan and ratify the execution of the forbearance agreements by the General Manager.

A motion was made by Secretary Valdivia, seconded by Director Stroka, the board approve Resolution and Order No. 01-19-924 of the Edwards Aquifer Authority Board of Directors approving forbearance agreements of permitted Edwards Groundwater Rights from certain permit holders to the EAA associated with the Voluntary Irrigation Suspension Program Option in support of the Edwards Aquifer Habitat Conservation Plan and ratifying the execution of the forbearance agreements by the General Manager. Director Yanta abstained from the vote on the motion. The motion passed viva voce.

[Attached and made a part of these minutes.]

- J.4 Consider recommendation from EAA staff to approve a Groundwater Trust Transfer Contract with Mr. Steve M. Tedford.**

Mr. Marc Friberg, Executive Director - External & Regulatory Affairs, briefed the board regarding the Groundwater Trust Transfer Contract with Mr. Steve M. Tedford.

A motion was made by Treasurer Ellis, seconded by Director Patterson, the board authorize the General Manager to enter into a Groundwater Trust Transfer Contract with Mr. Steve M. Tedford regarding Regular Permit No. P100-224 (5 acre-feet). The motion passed viva voce.

[Attached and made a part of these minutes.]

- J.5 Consider amendments to the employment agreement with General Manager Roland Ruiz.**

A motion was made by Treasurer Ellis, seconded by Director Laffere, the board amend the employment agreement with Mr. Roland Ruiz, as presented. The motion passed viva voce.

K. Staff Reports

L. 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:

The board did not meet in closed session.

L.1**Closed Session.**

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

Active Litigation:

League of United Latin Am. Citizens v. Edwards Aquifer Auth. (5th Cir. Aug. 9, 2018)

Uvalde Cty. UWCD v. Edwards Aquifer Auth. (38th Uvalde Cty. filed Jan. 16, 2018)

Gibson v. Edwards Aquifer Auth. (37th Dist. Ct., Bexar Cty., Tex. transferred Sept. 6, 2018)

2. Consultation with Attorney - Attorney/Client Privileged Consultations (§ 551.071)
3. Consultation with Attorney - Settlement Offers (§ 551.071)
4. Consultation with Attorney (§ 551.071)
5. Deliberations Regarding Real Property (§ 551.072)
6. **Deliberations Regarding Personnel Matters (§ 551.074)**

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

The board did not consider any recommendations.

N. Discuss items for future board meeting agendas.

The board did not discuss items for future board meeting agendas.

O. Adjournment.

There being no further business to discuss, the meeting adjourned at 3:45 p.m.

*Enrique P. Valdivia
Secretary, Board of Directors*

*Jennifer Wong-Esparza
Assistant to Board Secretary*