



Edwards Aquifer Authority

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

Meeting Minutes - Draft

Board of Directors

Tuesday, January 10, 2017

3:00 PM

EAA Board Room

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

Chairman Buckner called the meeting to order at 3:09 p.m.

Present: 16 - Director Amy Akers, Chairman Luana Buckner, Director Rebekah Bustamante, Treasurer Ron Ellis, Director Rader Gilleland, Vice Chair Susan Hughes, Director Don Laffere, Director Craig Massouh, Director Byron Miller, Director Gary Middleton, Director Carol Patterson, Director Pat Stroka, Secretary Enrique Valdivia, Director Ron Walton, Director Clark Ward and Director Ben Youngblood III

Absent: 1 - Director Scott Yanta

B. Administer Oath of Office

Chairman Buckner administered the oath of office to the new director, Clark Ward - Uvalde County Representative.

C. Public comment

Mr. Jerry Green, citizen of San Antonio, addressed the board regarding contamination points in and around San Antonio specifically by Loop 1604 and IH 35, in the area of De Zavala Road, and near the City of Uvalde. He requested the board protect the recharge zone and these sites in particular.

D. Election of Officers for the Board of Directors

D.1 Consider election of EAA board officers.

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

A motion was made by Vice Chairman Hughes, seconded by Director Laffere, to nominate Director Youngblood for Vice Chairman. The motion passed viva voce.

A motion was made by Treasurer Ellis, seconded by Director Hughes, to nominate Secretary Valdivia for Secretary. The motion passed viva voce.

A motion was made by Director Laffere, seconded by Vice Chairman Youngblood, to nominate Treasurer Ellis for Treasurer. The motion passed viva voce.

E. Election of Additional Members to the Executive Committee

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

A motion was made by Director Patterson, seconded by Director Akers, to nominate Director Stroka for At-Large Member to the Executive Committee. The motion passed viva voce.

A motion was made by Director Stroka, seconded by Director Akers, to nominate Director Patterson for At-Large Member to the Executive Committee. The motion passed viva voce.

F. Appointment of Members to the Edwards Aquifer Conservancy Board

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

A motion was made by Director Laffere, seconded by Director Patterson, to nominate Treasurer Ellis as an Edwards Aquifer Conservancy Board Member. The motion passed viva voce.

A motion was made by Treasurer Ellis, seconded by Director Laffere, to nominate Secretary Valdivia as an Edwards Aquifer Conservancy Board Member. The motion passed viva voce.

A motion was made by Treasurer Ellis, seconded by Director Miller, to nominate Director Laffere as an Edwards Aquifer Conservancy Board Member. The motion passed viva voce.

A motion was made by Treasurer Ellis, seconded by Director Laffere, to nominate Chairman Buckner as an Edwards Aquifer Conservancy Board Member. The motion passed viva voce.

A motion was made by Director Laffere, seconded by Director Massouh, to nominate Vice Chairman Youngblood as an Edwards Aquifer Conservancy Board Member. The motion passed viva voce.

A motion was made by Director Miller, seconded by Vice Chairman Youngblood, to nominate Director Akers as an Edwards Aquifer Conservancy Board Member. The motion passed viva voce.

A motion was made by Director Bustamante, seconded by Director Laffere, to nominate Director Massouh as an Edwards Aquifer Conservancy Board Member. Director Massouh withdrew his name from nomination.

A motion was made by Director Miller, seconded by Treasurer Ellis, to nominate Director Stroka as an Edwards Aquifer Conservancy Board Member. The motion passed viva voce.

G. General Manager's announcements and reports

G.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
- Recent Legislative Activities
- Aquifer Conditions

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

- *Ms. Julie Chunn was hired as an Electronics Technician for the Regulatory Affairs Department.*
- *Ms. Laurel Galm was hired as a Recharge Zone Protection Coordinator for the Regulatory Affairs Department.*
- *Ms. Tamara Pinzon, Design Coordinator, completed five years of service with the EAA.*
- *Mr. Tamaj Thomas, Permit Coordinator, was recognized for five years of service with the EAA, but was not present at this meeting.*
- *In directors' folders was a legislative update of highlights from the month of December from Carriage House Partners.*
- *Directors received a copy of the Technical Briefing schedule for 2017.*
- *Also In directors' folders was a copy of a letter regarding Heritage Commodity's inquiry into the Edwards Aquifer Recharge, Storage and Recovery Program.*
- *Meetings have been scheduled for 2017 to initiate a dialogue with interested permit holders on the ASR leasing program status, schedule, and goals for program adjustments from 11:30 a.m. - 1:00 p.m. on the following dates:*
 - *Tuesday, January 31 - Uvalde Country Club in Uvalde*
 - *Thursday, February 2 - Los Patios in San Antonio*
 - *Friday, February 3 - Sammy's in Castroville*
- *Post cards would be mailed to all permit holders the week of January 9-13.*
- *Directors were asked to submit 2016 reimbursement requests.*
- *A copy of the Code of Ethics section from the EAA Bylaws and an acknowledgement form was in directors' folders for review.*
- *Mr. Geary Schindel, Chief Technical Officer/Director, briefed the board on current aquifer conditions.*

H. Treasurer's Report**H.1 Receive report from EAA staff on unaudited financial statements for November 2016.**

Treasurer Ellis presented the unaudited financial statements for November 2016.

I. Board Reports**J. Consent Agenda****J.1 Approval of previous board meeting minutes
- Regular Board Meeting - December 13, 2016**

*Approval of previous board meeting minutes
- Regular Board Meeting - December 13, 2016*

- J.2 Consider recommendation from the Executive Committee to approve payment to Kemp Smith for legal services for November 2016.**

Approve payment to Kemp Smith in the amount of \$50,505.39, for legal services for November 2016.

A motion was made by Director Laffere, seconded by Vice Chairman Youngblood, to approve the consent agenda. The motion passed viva voce.

K. Individual Consideration

- K.1 Consider recommendation from the Executive Committee to consider amendments to the employment agreement with General Manager Roland Ruiz.**

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

L. Staff Reports

M. 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.

M.1**Closed Session.**

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

Active Litigation:

League of United Latin Am. Citizens v. Edwards Aquifer Auth.
(W.D. Tex. filed June 21, 2012)

In re Jaffe, No. 16-50355 (W.D. Tex. filed Feb. 12, 2016)

Active Litigation - Enforcement:

Edwards Aquifer Auth. v. Barnard (274th Hays Cnty. filed Oct. 6, 2010)

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)

Mr. Darcy Frownfelter, General Counsel, had two announcements for the board with no need to enter into closed session. Last month the board authorized Kemp Smith to settle the Barnard litigation or attempt to settle the matter for at least one year. The Compromise and Settlement Agreement was entered into on December 14, 2016 and staff was working with Mr. Barnard to get him into a one-year monitoring program, and then the case would be reviewed in one year. In re Jaffe was a bankruptcy matter, and the bankruptcy court approved the final Jaffe plan of reorganization and has required Jaffe to address the well. He has to log it, plug it, or rehabilitate the well if necessary, and/or if he does not, since he is attempting to sell the house, the obligation would fall on the potential buyer. Staff was working with the Jaffe people to attempt to comply with the deadlines in the plan of reorganization and attempt to get the well addressed. This matter would be coming off the closed session agenda.

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

The board did not consider any recommendations.

O. Discuss items for future board meeting agendas.

The board did not discuss future board meeting agenda items.

P. Adjournment.

There being no further business to discuss, the meeting adjourned at 3:44 p.m.

*Enrique P. Valdivia
Secretary, Board of Directors*

*Jennifer Wong-Esparza
Assistant to Board Secretary*