



Edwards Aquifer Authority

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

Meeting Minutes Board of Directors

Tuesday, April 13, 2021

4:00 PM

Via Teleconference

A. Call to Order – Roll Call

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

Present: 11 - Director Deborah Carington, Director Austin Bodin, Director Rader Gilleland, Treasurer Byron Miller, Director Carol Patterson, Director Abe Salinas, Director Rachel Sanborn, Vice Chair Enrique Valdivia, Director Gary Middleton, Director Scott Yanta and Secretary Ben Youngblood

Absent: 3 - Director Don Baker, Director Fohn Bendele and Director Kathleen Krueger

B. Interview, select and appoint a candidate for EAA Director District 5

B.1 Interview, select and appoint a candidate to fill the unexpired term for EAA Director District 5.

Mr. Randall Perkins, candidate for Director - District 5, introduced himself and provided some background information.

A motion was made by Director Sanborn, seconded by Secretary Youngblood, the board appoint Randall Perkins to fill the unexpired term for the vacant Director - District 5 position on the EAA Board of Directors. The motion passed without opposition.

C. Administer Oath of Office

Chairman Buckner administered the oath of office to Mr. Randall Perkins, Director - District 5.

D. Public comment.

There were no citizens who requested to address the board.

E. General Manager's announcements and reports.

E.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. Quinn Rusu was hired as a Recharge Zone Protection Coordinator.*
- *Staff testified on HB 2863 having to do with development of aquifer storage and recovery projects in the Edwards saline zone. Our testimony was an explanation of why the Act was limited and prescriptive in how ASR in the saline portion can be approached. The bill was left pending in committee.*
- *Staff was moving forward with plans to commemorate the 25th anniversary of the EAA. The official anniversary date is June 28, but given the uncertainties around COVID, the focus has shifted to a fall event with various activities on social media and the website commemorating the 25-year history.*
- *Mr. Paul Bertetti, Director of Aquifer Science, briefed the board on current aquifer conditions.*

F. Treasurer's Report**F.1**

Receive report from EAA staff on unaudited financial statements for February 2021.

Chairman Buckner asked for questions regarding the unaudited financial statements for February 2021. There were none.

G. Board Reports**G.1**

Receive report from EAA staff on potential development of a model to further evaluate and prioritize conservation easements for properties located in the Edwards Aquifer contributing and recharge zones.

Mr. Paul Bertetti, Director of Aquifer Science, briefed the board regarding potential development of a model to further evaluate and prioritize conservation easements for properties located in the Edwards Aquifer contributing and recharge zones.

H. Consent Agenda**H.1**

Approval of previous board meeting minutes
- Regular Board Meeting - March 9, 2021

Approval of previous board meeting minutes
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- H.2 Consider recommendation from the Finance/Administrative Committee to approve the Edwards Aquifer Habitat Conservation Plan FY2021 Funding Application Amendment submitted by the Edwards Aquifer Authority and associated 2021 EAA Operating Budget amendment by increasing the Habitat Conservation Plan fund by \$44,767.**

Adopt Resolution and Order No. 04-21-997 of the Edwards Aquifer Authority Board of Directors to approve an amendment to the Edwards Aquifer Habitat Conservation Plan (EAHCP) FY2021 Funding Application for the Edwards Aquifer Authority increasing the funding request from \$11,867,625 to \$11,912,392 for the Edwards Aquifer Authority and amend the 2021 EAA Operating Budget accordingly.

[Attached and made a part of these minutes.]

- H.3 Consider recommendation from the Finance/Administrative Committee to approve payment to Kemp Smith for legal services for February 2021.**

Approve payment to Kemp Smith in the amount of \$46,814.65 for legal services for February 2021.

A motion was made by Vice-Chairman Valdivia, seconded by Director Patterson, the board approve the consent agenda. The motion passed without opposition.

I. Individual Consideration

- I.1 Receive report from independent auditor, RSM LLP, and consider recommendation from the Finance/Administrative Committee to accept the audit report for the 12-month period of January 1, 2020 through December 31, 2020.**

Ms. Shelly Hendrix, Director/Controller Financial Services, introduced this item to the board.

Mr. Joel Perez, Engagement Partner - RSM LLP, briefed the board regarding the draft audit report and a report on the conduct of the audit. Mr. Bob Williams, Subcontractor (Minority Participation) with RSM LLP, also commented on the audit. Ms. Danielle Montes, In-Charge Auditor, RSM LLP, and Ms. Ashley Alejos, Engagement Manager - RSM LLP, were also in attendance.

A motion was made by Treasurer Miller, seconded by Secretary Youngblood, the board accept the audit report as presented by independent auditor, RSM LLP, for the 12-month fiscal period of January 1, 2020 through December 31, 2020. The motion passed without opposition.

[Attached and made a part of these minutes.]

I.2 Consider recommendation from EAA staff to approve a compliance agreement related to the underground tank system at North Central Baptist Hospital and Tenet Healthcare System.

Mr. Marc Friberg, Executive Director - External & Regulatory Affairs, briefed the board regarding a compliance agreement between the EAA and North Central Baptist Hospital / Tenet Healthcare regarding the underground storage tanks (USTs) associated with the hospital's facility.

A motion was made by Treasurer Miller, seconded by Vice-Chairman Valdivia, the board approve a compliance agreement related to the underground tank system at North Central Baptist Hospital and Tenet Healthcare System for the continued operation of its underground storage tank system and requirements to achieve full compliance with EAA rules. The motion passed without opposition.

I.3 Consider recommendation from EAA staff to ratify the General Manager's rescission of an ASR springflow protection program forbearance agreement with Gilbert and Eloisa F. Barrera and Maribel Barrera.

Mr. Friberg briefed the board regarding ratify the General Manager's rescission of springflow protection program forbearance agreements for the Aquifer Storage and Recovery (ASR) Program in support of the Edwards Aquifer Habitat Conservation Plan (EAHCP). The rescission was necessary to facilitate the consolidation of two permits and to re-enroll the associated groundwater withdrawal rights into the ASR Program.

A motion was made by Vice-Chairman Valdivia, seconded by Director Patterson, the board ratify General Manager rescission of a springflow protection program forbearance agreements with Gilbert and Eloisa F. Barrera and Maribel Barrera for the Aquifer Storage and Recovery Program in support of the Edwards Aquifer Habitat Conservation Plan. The motion passed without opposition.

I.4 Consider EAA staff recommendation to approve an application to convert base irrigation groundwater owned by Pulte Homes of Texas, L.P. and HDC Westlakes, LLC, based on a change in land use.

Mr. Omar Garcia, Permits Supervisor, briefed the board regarding applications to Convert Base Irrigation Groundwater for Regular Permit No. P109-319 (BE00064) and Permit No. P109-320 (BE00064A) based on a change in land use submitted by Pulte Homes of Texas, L.P. and HDC Westlakes, LLC.

A motion was made by Vice-Chairman Valdivia, seconded by Secretary Youngblood, the board adopt a Final Order Granting Application to Convert Base Irrigation Groundwater for Regular Permit No. P109-319 (BE00064) based on a change in land use submitted by Pulte Homes of Texas, L.P. and HDC Westlakes, LLC. The motion passed without opposition.

[Attached and made a part of these minutes.]

- I.5 Consider EAA staff recommendation to approve an application to convert base irrigation groundwater owned by Pulte Homes of Texas, L.P. and HDC Westlakes, LLC, based on a change in land use.**

A motion was made by Vice-Chairman Valdivia, seconded by Director Salinas, the board adopt a Final Order Granting Application to Convert Base Irrigation Groundwater for Regular Permit No. P109-320 (BE00064A) based on a change in land use submitted by Pulte Homes of Texas, L.P. and HDC Westlakes, LLC. The motion passed without opposition.

[Attached and made a part of these minutes.]

J. Staff Reports

- J.1 Receive report from EAA staff on the status of the 2021-30 strategic plan.**

Mr. Ruiz briefed the board regarding the status of the 2021-30 strategic plan currently under development with highlights of the plan.

- J.2 Consider recommendation from the Finance/Administrative Committee on proposed amendments to the Edwards Aquifer Authority Bylaws.**

Mr. Brock Curry, Deputy General Manager, briefed the board regarding proposed amendments to the EAA Bylaws. The presentation of this agenda item would serve as the Board's notification prior to consideration at the May board meeting.

K. 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:

K.1**Closed Session.**

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

Active Litigation:

Gonzales v. Mendez (285th Bexar Cty. filed Sept. 20, 2018; EAA intervened May 8, 2019)

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)

The board did not meet in closed session.

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

The board did not consider any recommendations.

M. Discuss items for future board meeting agendas.

Chairman Buckner noted the survey that board members received, and the consensus was that the board would meet in person for the May board meeting. The board would continue to use Zoom to conduct the meeting in order to accommodate those who could not meet in person. She also noted that it would be up to each committee to decide whether or not they would meet in person in May for committee meetings.

N. Adjournment.

There being no further business to discuss, the meeting adjourned at 5:40 p.m.

Benjamin F. Youngblood III
Secretary, Board of Directors

Jennifer Wong-Esparza
Assistant to Board Secretary