



# Edwards Aquifer Authority

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

## Meeting Minutes Board of Directors

---

Tuesday, June 9, 2020

3:00 PM

Via Teleconference

---

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

*Chairman Buckner called the meeting to order at 3:06 p.m.*

**Present:** 7 - Director Deborah Carington, Director Gary Middleton, Treasurer Byron Miller, Director Carol Patterson, Director Rachel Sanborn, Vice Chair Enrique Valdivia and Secretary Ben Youngblood

**Absent:** 4 - Director Rader Gilleland, Director Kathleen Krueger, Director Abe Salinas and Director Scott Yanta

### 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:*

- *Directors were given an update on the operations of the EAA. The offices were back open on Monday, June 8 at 25 - 30% capacity. Standard protocols were being followed per "Stay Safe, Work Smart" guidelines.*
- *The board would be calling the election in July for the November election. District maps would be available to directors upon request.*
- *Workshops presented by staff for compliance issues would be conducted remotely.*
- *Staff was waiting to hear from the Texas Commission on Environmental Quality (TCEQ) on next steps regarding the process to update recharge permits.*
- *Mr. Chuck Ahrens, Director - Water Resources, provided a report to the board regarding the 2019 withdrawal summary.*
- *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 April 2020.**

*The board did not have any questions regarding the unaudited financial statements for April 2020.*

*The board considered agenda items E.1 and E.2 out of order on the agenda. The board considered item E.2 after agenda item D.1 and before agenda item E.1.*

**E. Board Reports****E.2 Receive report on 2019 activities associated with the South Texas Weather Modification Association's Precipitation Enhancement Program.**

*Mr. Marc Friberg, Executive Director - External & Regulatory Affairs, introduced this item to the board.*

*Mr. Jonathan Jennings, Meteorologist - South Texas Weather Modification Association, briefed the board regarding the efforts of the South Texas Weather Modification Association's Precipitation Enhancement Program.*

**E.1 Receive report from Mr. Ed Oborny, BIO-WEST, Inc., on the 2019 Net Disturbance and Incidental Take Assessment of the EAHCP Covered Species.**

*Mr. Ed Oborny, BIO-WEST, Inc., briefed the board regarding the 2019 Net Disturbance and Incidental Take Assessment provided to the U.S. Fish and Wildlife Service (USFWS).*

**F. Consent Agenda****F.1 Approval of previous board meeting minutes  
- Regular Board Meeting - May 12, 2020**

*Approval of previous board meeting minutes  
- Regular Board Meeting - May 12, 2020*

- F.2 Consider recommendation from the Executive Committee to approve an agreement with Valley View Consulting, L.L.C., to serve as the EAA investment advisor in an estimated amount not to exceed \$50,000.**

*Adopt Resolution and Order No. 06-20-966 of the Edwards Aquifer Authority Board of Directors to approve an agreement with Valley View Consulting, L.L.C., to serve as the EAA investment advisor for the period July 1, 2020 through June 30, 2022, in an amount not to exceed \$50,000.*

*[Attached and made a part of these minutes.]*

- F.3 Consider recommendation from the Executive Committee to approve payment to Kemp Smith for legal services for April 2020.**

*Approve payment to Kemp Smith in the amount of \$60,844.84 for legal services for April 2020.*

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

## **G. Individual Consideration**

- G.1 Consider EAA staff recommendation to rescind limited production well status for the well owned by St. George Maronite Catholic Church, based on the owner's inability to meet annual groundwater withdrawal limits.**

*Mr. Jorge Paramo, Compliance Coordinator, briefed the board regarding the Order Rescinding Limited Production Well Status for the Edwards Aquifer well (W107-118) owned by St. George Maronite Catholic Church.*

*Mr. Richard Karam, attorney representing St. George Maronite Catholic Church, addressed the board regarding rescinding LPW status from the well.*

*Fr. Charles Khachan, St. George Maronite Catholic Church, addressed the board regarding rescinding LPW status from the well.*

**A motion was made by Secretary Valdivia, seconded by Director Miller, the board adopt an Order Rescinding Limited Production Well Status for the well (W107-118), owned by St. George Maronite Catholic Church. The motion passed viva voce. Vice-Chairman Youngblood and Director Walton voted in opposition to the motion.**

- G.2 Consider EAA staff recommendation to rescind limited production well status for the well owned by Michael F. Barteau and Catherine Page Barteau, based on the owner's inability to meet annual groundwater withdrawal limits.**

*Mr. Paramo briefed the board regarding the Order Rescinding Limited Production Well Status for the Edwards Aquifer well (W107-522) owned by Michael F. Barteau and Catherine Page Barteau.*

**A motion was made by Secretary Valdivia, seconded by Director Laffere, the board adopt an Order Rescinding Limited Production Well Status for the well (W107-522), owned by Michael F. Barteau and Catherine Page Barteau. The motion passed viva voce.**

- G.3 Consider recommendation from the Executive Committee to approve the Edwards Aquifer Habitat Conservation Plan FY2020 Funding Application Amendment submitted by the Edwards Aquifer Authority.**

*Mr. Damon Childs, Contract Administrator - HCP, briefed the board regarding an amendment to the Edwards Aquifer Habitat Conservation Plan (EAHCP) FY2020 Funding Application for the Edwards Aquifer Authority increasing the funding request from \$12,929,620 to \$13,291,587 for the Edwards Aquifer Authority.*

**A motion was made by Director Laffere, seconded by Secretary Valdivia, the board adopt Resolution and Order No. 06-20-967 of the Edwards Aquifer Authority Board of Directors to approve an amendment to the Edwards Aquifer Habitat Conservation Plan FY2020 Funding Application for the Edwards Aquifer Authority increasing the funding request from \$12,929,620 to \$13,291,587 for the Edwards Aquifer Authority. The motion passed viva voce.**

**[Attached and made a part of these minutes.]**

- G.4**

**A motion was made by Secretary Valdivia, seconded by Director Laffere, the board amend the 2020 EAA Operating budget by increasing the Habitat Conservation Plan Fund appropriation for Professional Technical Services by \$361,967. The motion passed viva voce.**

**G.5 Consider EAA staff recommendation to approve Groundwater Trust Transfer Contracts with Mr. Hugo Sanchez and KWSB Property Management, LLC.**

*Mr. Friberg briefed the board regarding Groundwater Trust Transfer Contracts with Mr. Hugo Sanchez and KWSB Property Management. Water may be held in the trust for any number of contracted years. While in the trust, the EAA controls the permitted withdrawal rights and the permit holder is no longer required to submit required reports associated with the permitted rights or pay aquifer management fees to the EAA.*

**A motion was made by Director Laffere, seconded by Director Carington, the board authorize the General Manager to enter into Groundwater Trust Transfer Contracts with Mr. Hugo Sanchez (Permit No. P100-540 - 21.759 acre-feet) and KWSB Property Management (Permit No. P104-483 - 4 acre-feet). The motion passed viva voce.**

**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:**

**I.1 Closed Session.**

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

**Active Litigation:**

*League of United Latin Am. Citizens v. Edwards Aquifer Auth. (U.S. pet. for cert. denied Apr. 27, 2020)*

*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.*

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

*The board did not consider any recommendations.*

**K. Discuss items for future board meeting agendas.**

*The board did not discuss future board meeting agendas.*

**L. Adjournment.**

*There being no further business to discuss, the meeting adjourned at 4:31 p.m.*

---

*Enrique P. Valdivia*  
*Secretary, Board of Directors*

---

*Jennifer Wong-Esparza*  
*Assistant to Board Secretary*