



# Edwards Aquifer Authority

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

## Meeting Minutes - Draft

### Board of Directors

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

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Tuesday, November 12, 2024

1:00 PM

EAA Board Room

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

*Chairman Valdivia called the meeting to order at 1:00 p.m.*

**Present:** 16 - Director Bruce Alexander, Director Deborah Carington, Director Rader Gilleland, Director Matthew Hoyt, Director Maggie Hutchins, Director Kathleen Krueger, Director Gary Middleton, Treasurer Byron Miller, Director Carol Patterson, Director Randall Perkins, Director Russell Persyn, Director Abe Salinas, Vice Chair Rachel Sanborn, Chair Enrique Valdivia, Director Scott Yanta and Secretary Ben Youngblood

**Absent:** 1 - Director Don Baker

#### 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:*

- *Mr. Lawrence "Larry" Jackson was hired as the Executive Director for External & Regulatory Affairs.*
- *Ms. Mia de los Santos was hired as a Field Inspection Technician I for Water Resources.*
- *Mr. Brennan Romero was hired as a Geoscientist I for Aquifer Science Research & Modeling.*
- *Ms. Yvonne Garcia was hired as an Administrative Assistant I for Human Resources.*
- *Ms. Karen Mendiondo was hired for a Geoscientist II for Aquifer Science Research & Modeling.*
- *The EAA submitted a report to the Governor's Office on the Minority-owned and Women-owned Business Enterprise (M/WBE) participation for the 2022-23 biennium in accordance with the EAA Act and each director received a copy of the report.*
- *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 September 2024.**

*The board did not have any questions for Treasurer Miller regarding the unaudited financial statements for September 2024.*

**E. Board Reports**

**F. Consent Agenda**

**F.1**

**Approval of previous board meeting minutes  
- Regular Board Meeting - October 8, 2024**

*Approval of previous board meeting minutes  
- Regular Board Meeting - October 8, 2024*

**F.2 Consider recommendation from the Executive Committee to approve a license agreement with Environmental Systems Research Institute, Inc., for geographic information systems term license software, in an amount not to exceed \$87,900.**

*Approve the Small Utility Term License Agreement between the EAA and Environmental Systems Research Institute, Inc., for GIS capabilities, in an amount not to exceed \$87,900 for a three-year period from November 2024 through November 2027.*

**F.3 Consider recommendation from the Finance/Administrative Committee to approve amendments to Article X of the ByLaws of the Edwards Aquifer Authority pertaining to the EAA Investment Policy and Investment Strategy and designating investment officers.**

*Adopt Resolution and Order No. 11-24-110 of the Edwards Aquifer Authority Board of Directors approving amendments to Article X of the EAA Bylaws pertaining to the EAA Investment Policy and Investment Strategy and recommend the board reflect in the minutes that the named persons occupying the positions of Executive Director - Administration and Financial Services and Controller are the Investment Officers under Article X of the Bylaws.*

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

**F.4 Consider recommendation from the Finance/Administrative Committee to approve the purchase of IT cloud server hosting services from Amazon Web Services, Inc., in an amount not to exceed \$70,000, for calendar year 2024.**

*Approve the purchase of IT cloud server hosting services from Amazon Web Services, Inc., in an amount not to exceed \$70,000, for calendar year 2024.*

**F.5 Consider recommendation from the Finance/Administrative Committee to approve payment to Kemp Smith, in the amount of \$27,410, for legal services for September 2024.**

*Approve payment to Kemp Smith, in the amount of \$27,410, for legal services for September 2024.*

**F.6 Consider recommendation from the Executive Committee to approve Resolution and Order No. 11-24-111 adopting a policy on state-wide prohibited technologies.**

*Adopt Resolution and Order No. 11-24-111 of the Edwards Aquifer Authority Board of Directors adopting a policy on state-wide prohibited technologies in accordance with SB 1893 of the 88th Texas Legislature and direct the General Manager to take all actions necessary to implement the policy.*

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

*A motion was made by Treasurer Miller, seconded by Director Hoyt, to accept the consent agenda. The motion passed without opposition.*

**G. Individual Consideration**

**G.1 Consider recommendation from the Executive Committee to approve the EAA's 2025 legislative priorities.**

*Mr. Marc Friberg, Deputy General Manager, briefed the board regarding the EAA's 2025 legislative priorities.*

*Mr. Gavin Massingill, Mr. James Mathis, and Mr. Ikenna Okoro, Carriage House Partners, were in attendance at this meeting. Mr. Massingill briefed the board regarding highlights of the 2025 legislative session.*

**A motion was made by Director Carington, seconded by Director Krueger, the board approve the presented EAA Legislative Priorities for use during the 89th Regular Session of the Texas Legislature. The motion passed without opposition.**

**G.2 Consider recommendation from the Finance/Administrative Committee to approve the Edwards Aquifer Habitat Conservation Plan FY2025 Funding Applications submitted by the Edwards Aquifer Authority (\$19,082,642), the City of New Braunfels (\$871,259), and the City of San Marcos/Texas State University (\$1,121,600).**

*Mr. Damon Childs, Contract Administrator, briefed the board regarding the Edwards Aquifer Habitat Conservation Plan FY2025 Funding Applications submitted by the Edwards Aquifer Authority (\$19,082,642), the City of New Braunfels (\$871,259), and the City of San Marcos/Texas State University (\$1,121,600).*

**A motion was made by Treasurer Miller, seconded by Director Patterson, the board adopt Resolution and Order No. 11-24-112 of the Edwards Aquifer Authority Board of Directors approving the Edwards Aquifer Habitat Conservation Plan FY2025 Program Funding Applications submitted by the Edwards Aquifer Authority, in an amount not to exceed \$19,082,642; the City of New Braunfels, in an amount not to exceed \$871,259; and the City of San Marcos/Texas State University, in an amount not to exceed \$1,121,600, for the purpose of implementing the Conservation Measures and Program Activities as required by the EAHCP, for the period January 1, 2025, through December 31, 2025. The motion passed without opposition.**

[Attached and made a part of these minutes.]

**G.3 Receive report from EAA staff regarding the public hearing process and consider recommendation from the Finance/Administrative Committee to adopt the annual operating budget and associated aquifer management fee and program aquifer management fee rates for fiscal year 2025.**

*Ms. Shelly Hendrix, Director/Controller Financial Services, briefed the board regarding the public hearing process and consider recommendation from the Finance/Administrative Committee to adopt the annual operating budget and associated aquifer management fee and program aquifer management fee rates for fiscal year 2025.*

**A motion was made by Treasurer Miller, seconded by Director Patterson, the board adopt Resolution and Order No. 11-24-113 of the Edwards Aquifer Authority Board of Directors adopting the annual operating budget for fiscal year 2025, as amended, and assessing the aquifer management fee and program aquifer management fee rates for 2025, as follows:**

**Agricultural aquifer management fee (General Fund) -- \$2 per acre-foot  
Non-agricultural aquifer management fee (General Fund) -- \$50 per acre-foot  
Non-agricultural program aquifer management fee (EAHCP Fund) -- \$40 per acre-foot**

**The motion passed without opposition.**

[Attached and made a part of these minutes.]

**G.4**

**Consider recommendation from the Permits/Enforcement Committee to approve forbearance agreements with Tierra D'Hanis, LLC; Scott G. Yanta and Kimberly Yanta; Yanta Farms, LLC, a Texas limited liability company; Tierra Lytle LLC; Cole Yanta; Bobby Dale DeRusha, Cody Bob DeRusha, Bobby DeRusha and wife, Deloyce M. DeRusha; Cody Bob DeRusha; Bernice Persyn, Amy Hammond Persyn, Julie Persyn, Esther Kelly Clarke, Ernest M. DeWinne Jr., Wayne D. DeWinne, Shirley Ann Sarro, Dianne Marie White, and Rebecca Suzanne Savage; and Jon E. Olsen 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 \$316,725.66 and not to exceed \$1,255,172.06.**

*Mr. Javier Hernandez, Special Projects Liaison, briefed the board regarding forbearance agreements with Tierra D'Hanis, LLC; Scott G. Yanta and Kimberly Yanta; Yanta Farms, LLC, a Texas limited liability company; Tierra Lytle LLC; Cole Yanta; Bobby Dale DeRusha, Cody Bob DeRusha, Bobby DeRusha and wife, Deloyce M. DeRusha; Cody Bob DeRusha; Bernice Persyn, Amy Hammond Persyn, Julie Persyn, Esther Kelly Clarke, Ernest M. DeWinne Jr., Wayne D. DeWinne, Shirley Ann Sarro, Dianne Marie White, and Rebecca Suzanne Savage; and Jon E. Olsen for Edwards groundwater withdrawal rights for the Voluntary Irrigation Suspension Program Option in support of the Edwards Aquifer Habitat Conservation Plan.*

**A motion was made by Director Gilleland, seconded by Director Perkins, the board adopt Resolution and Order No. 11-24-114 of the Edwards Aquifer Authority Board of Directors to approve VISPO forbearance agreements for permitted Edwards groundwater rights between the EAA and: (1) Tierra D'Hanis, LLC; (2) Scott G. Yanta and Kimberly Yanta; (3) Yanta Farms, LLC, a Texas limited liability company; (4) Tierra Lytle LLC; (5) Cole Yanta; (6) Bobby Dale DeRusha, Cody Bob DeRusha, Bobby DeRusha and wife, Deloyce M. DeRusha; (7) Cody Bob DeRusha; (8) Bernice Persyn, Amy Hammond Persyn, Julie Persyn, Esther Kelly Clarke, Ernest M. DeWinne Jr., Wayne D. DeWinne, Shirley Ann Sarro, Dianne Marie White, and Rebecca Suzanne Savage; and (9) Jon E. Olsen in the total amount of not less than \$316,725.66 and not to exceed \$1,255,172.06, 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 and Director Yanta abstained from the vote on the motion. The motion passed without opposition.**

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

- G.5 Consider recommendation from the Permits/Enforcement Committee to approve a conversion of base irrigation groundwater owned by Daniel K. Byrom and Cheri L. Byrom, Trustees of the Byrom Living Trust dated March 23, 2021.**

*Mr. Omar Garcia, Water Resources Manager, introduced Mr. Paul Aton, Senior Permit & Conservation Coordinator. Mr. Aton briefed the board regarding a conversion of base irrigation groundwater owned by Daniel K. Byrom and Cheri L. Byrom, Trustees of the Byrom Living Trust dated March 23, 2021.*

**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 Daniel K. Byrom and Cheri L. Byrom, Trustees of the Byrom Living Trust dated March 23, 2021. The motion passed without opposition.**

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

**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 1:59 p.m.*

**I.1 Closed Session**

1. Consultation with Attorney - Pending Litigation (§ 551.071)
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 2:15 p.m.*

*Director Bruce Alexander offered comments regarding his time served on the EAA board.*

*Director Hoyt thanked Director Krueger for her service on the EAA board. Director Krueger offered comments regarding her time served on the EAA board.*

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

**A motion was made by Director Krueger, seconded by Secretary Youngblood, the board authorize the General Manager to sign a non-binding letter of intent to purchase a 5.93 acre tract in Bexar County in order to receive the 610 acre Maverick Ranch, subject to its existing conservation easement. The motion passed without opposition.**

**K. Future Board Meeting Agendas**

*Director Patterson mentioned a possible report regarding the Carrizo-Wilcox Aquifer.*



**L. Adjournment**

*There being no further business to discuss, the meeting adjourned at 2:20 p.m.*

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*Benjamin F. Youngblood III  
Secretary, Board of Directors*

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*Jennifer Wong-Esparza  
Assistant to Board Secretary*