



Edwards Aquifer Authority

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

Meeting Minutes Board of Directors

Tuesday, February 9, 2016

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: 9 - Director Amy Akers, Director Fohn Bendele, Chairman Luana Buckner, Treasurer Ron Ellis, Vice Chair Susan Hughes, Director Don Laffere, Director Craig Massouh, Director Pat Stroka, and Director Ron Walton

Absent: 1 - Director Rebekah Bustamante

Present: 7 - Director Rader Gilleland, Treasurer Byron Miller, Director Gary Middleton, Director Carol Patterson, Chair Enrique Valdivia, Director Scott Yanta and Secretary Ben Youngblood

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.)
- 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::

- Informational lunch meetings were scheduled in areas where ASR leasing activities were greater to provide details on the ASR leasing program and promote participation. The EAA scheduled three meetings in February:

- Uvalde - Wednesday, February 24, 11:30 am -1 pm - Town House Restaurant;*
- Castroville - Thursday, February 25, 11:30 am -1 pm - Sammy's Restaurant;*

and

- San Antonio - Friday, February 26, 11:30 am -1 pm - Los Patios.*

- VISPO payments would be mailed to program participants on February 12. The level of J-17 on October 1, 2015, was 645.2 feet above mean sea level; therefore, suspension was not required for 2016. Enrollment for VISPO has been slightly more than 40,921 acre-feet, and the total amount of checks being distributed would be just over \$2,188,500.

- Dr. Michael Campana, Professor in the College of Earth, Ocean, and Atmospheric Sciences, Oregon State University, would be the 20th EAA Distinguished Lecturer on Friday, April 8, 2016. Dr. Campana's research interests include transboundary groundwater resources, integrated and sustainable water resource management, water, sanitation, and hygiene in developing regions, regional hydrogeology, science-policy interface, and communication.

- Tapatio Springs Hill Country Resort & Spa, in Boerne, would be the new site for the work session that would take place on August 19-21, 2016.

- In directors folders' was a copy of a handout related to agenda item G.1 on recharge zone protection, specifically a summary of current EAA initiatives that address water quality and quantity related issues on the recharge and contributing zones of the Edwards Aquifer.

- Mr. Geary Schindel, Chief Technical Officer/Director, briefed the board on current aquifer conditions.

D. Board Reports**D.1**

Receive report from Director Gary Middleton, South Central Texas Water Advisory Committee (SCTWAC) representative to the board, regarding downstream water conditions of the Guadalupe River Basin and current activities and issues of interest to SCTWAC.

Director Middleton briefed the board regarding downstream water conditions, and noted specifically that rains upstream have helped the bays and estuaries. He also noted that freshwater inflows created fantastic conditions in San Antonio Bay, and blue crabs and wolfberries were in abundance, which were two primary sources of food for the Whooping Crane.

This board report was presented.

E. Consent Agenda**E.1 Approval of previous board meeting minutes
- Regular Board Meeting - January 12, 2016**

This action item was approved on the consent agenda.

E.2 Consider recommendation from the Executive Committee to approve a conversion of base irrigation groundwater owned by Del's Grass Farm, Ltd., based on installation of conservation equipment.

This action item was approved on the consent agenda.

E.3 Consider recommendation from the Permits/Enforcement Committee to approve leases of permitted Edwards groundwater rights with Texas By Anderson Family Properties, LP; CHARLESHANER LP, a Texas Limited Partnership; Kelling Farms Ltd. & Kelling Trust; Linda Susan Mechler and Carol Jean Mechler, Individually; Alamo Concrete Products Company; Harlach Farms; East Medina County Special Utility District; Deborah Ann Benke; Malcolm R. Vogt Testamentary Trust, Gail Kluth, Trustee; W. Michael Humphreys and Candace P. Humphreys; Malvern J. Benke and Deborah Keller Benke, husband and wife; William L. Bippert; Roy M. Kothmann and Carol C. Kothmann; Cynthia A. Keller; Lena Jo Davenport, as Trustee of the Lena Jo Davenport Revocable Trust; and Virginia A. Swart for the Aquifer Storage and Recovery Project of the San Antonio Water System, in support of the Edwards Aquifer Habitat Conservation Plan, in the total amount of \$1,173,324.00.

This action item was approved on the consent agenda.

E.4 Consider recommendation from the Permits/Enforcement Committee to approve amended leases of permitted Edwards groundwater rights with Thomas Persyn and Oblate School of Theology, a Texas Non-Profit Corporation for the Aquifer Storage and Recovery Project of the San Antonio Water System, in support of the Edwards Aquifer Habitat Conservation Plan, in the total amount of \$220,043.57.

This action item was approved on the consent agenda.

E.5 Consider recommendation from the Finance/Administrative Committee to accept the unaudited financial statements for December 2015.

This action item was approved on the consent agenda.

E.6 Consider recommendation from the Finance/Administrative Committee to approve payment to Kemp Smith for legal services for December 2015.

This action item was approved on the consent agenda.

A motion was made by Treasurer Ellis, and seconded by Secretary Valdivia, to approve the consent agenda. The motion passed viva voce.

[A copy of Resolution and Order No. 02-16-834 as approved by the board in Agenda Item E.3 is attached to and made a part of these minutes.]

[A copy of Resolution and Order No. 02-16-835 as approved by the board in Agenda Item E.4 is attached to and made a part of these minutes.]

F. Individual Consideration

F.1 Consider recommendation from the Research & Technology Committee to approve an amendment to Contract No. 13-637-HCP with BIO-WEST, Inc., to conduct additional validation studies for the Predictive Ecological Model for the Comal and San Marcos Ecosystems Project, in an amount not to exceed \$125,000.

A motion was made by Secretary Valdivia, and seconded by Director Patterson, that this action item be approved. The motion passed viva voce.

[A copy of Resolution and Order No. 02-16-836 as approved by the board is attached to and made a part of these minutes.]

F.2 Consider recommendation from the Finance/Administrative Committee to approve an amended 2016 EAHCP Funding Application for the Edwards Aquifer Authority.

A motion was made by Treasurer Ellis, and seconded by Director Laffere, that this action item be approved. The motion passed viva voce.

[A copy of Resolution and Order No. 02-16-837 as approved by the board is attached to and made a part of these minutes.]

F.3 Consider recommendation from the Finance/Administrative Committee to approve an amended 2016 EAHCP Funding Application for the City of New Braunfels.

A motion was made by Treasurer Ellis, and seconded by Director Youngblood, that this action item be approved. The motion passed viva voce.

[A copy of Resolution and Order No. 02-16-838 as approved by the board is attached to and made a part of these minutes.]

- F.4 Consider recommendation from the Finance/Administrative Committee to approve amendments to the 2016 EAHCP Operating Budget, increasing the appropriation for the Regional Water Conservation Program by \$2,827,750; and for the Restoration-Riparian Zone and Native Vegetation project on the Comal River by \$220,000.**

A motion was made by Treasurer Ellis, and seconded by Director Massouh, that this action item be approved. The motion passed viva voce.

[A copy of the amendments as approved by the board is attached to and made a part of these minutes.]

G. Staff Reports

- G.1 Receive report from EAA staff regarding the status of the EAA's water quality programs.**

Mr. Ruiz mentioned that some board members received an email concerning an issue with a wastewater treatment plant on the contributing zone in Comal County. There was confusion and misinformation regarding the role of the EAA in this matter. As a result, item G.1 was placed on the agenda for discussion by the board, and staff would brief the board regarding the EAA's water quality program. Mr. Mark Hamilton, Executive Director - Aquifer Management Services, would brief the board on the status of the EAA's water quality programs, and Mr. Marc Friberg, Executive Director Public Policy & Regulatory Affairs, would update the board on the water quality rules assessment. He also reminded the board about a discussion of a one-day work session to focus on the water quality rules assessment in order to consider where the board would like to see itself in the future.

Mr. Hamilton briefed the board regarding non-regulatory activities involving several initiatives in recharge zone protection such as stormwater BMP inspections, TCEQ water pollution abatement plans, water quality sampling, conservation easement initiatives, the pending State Resource Concern, geophysical and video well logging, and well closure assistance.

Mr. Marc Friberg, Executive Director Public Policy & Regulatory Affairs, briefed the board regarding EAA regulatory programs, the rules assessment, discharge permits, regulations, and spill reporting requirements.

After much discussion, Director Stroka proposed that the EAA make a non-confrontational comment to correct the misinformation addressed in the email, and that the EAA say that we do not know what the long-term effects are.

This staff report was presented.

H. 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 Buckner closed the meeting to the public at 3:59 p.m.

H.1**Closed Session.****1. Consultation with Attorney - Pending Litigation (§ 551.071)****Active Litigation:**

Guadalupe-Blanco River Auth. v. Royal Crest Homes (22nd Hays Cnty. filed June 15, 1989)

Bragg v. Edwards Aquifer Auth. (38th Medina Cnty. remanded June 15, 2015)

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

GG Ranch, Ltd. v. Edwards Aquifer Auth. (5th Cir. June 4, 2015)

Active Litigation - Enforcement:

Edwards Aquifer Auth. v. Barnard (274th Hays Cnty. filed Oct. 4, 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)

Chairman Buckner reopened the meeting to the public at 4:39 p.m.

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

The board did not consider any recommendations.

J. Discuss items for future board meeting agendas.

The board did not discuss any future board meeting agenda items.

K. Adjournment.

There being no further business to discuss, the meeting adjourned at 4:40 p.m.

*Enrique P. Valdivia
Secretary, Board of Directors*

*Jennifer Wong-Esparza
Assistant to Board Secretary*