



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*

Tuesday, July 9, 2024

1:00 PM

EAA Board Room

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 Don Baker, Director Deborah Carington, Director Rader Gilleland, Director Matthew Hoyt, Director Maggie Hutchins, Director Kathleen Krueger, Director Gary Middleton, 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 - Treasurer Byron Miller

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:

- *Ms. Jewel Uzquiano was hired as a Permit and Conservation Coordinator I for Water Resources.*
- *Mr. Brent Doty, Research Manager, completed 15 years of service with the EAA.*
- *Mr. Anastacio Moncada, Environmental Science Technician III, completed 15 years of service with the EAA.*
- *Mr. Earl Parker, Senior Director - Regulatory Affairs, was retiring after 21 years of service with the EAA.*
- *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 May 2024.

The board did not have any questions regarding the unaudited financial statements for May 2024.

E. Board Reports

F. Consent Agenda

**F.1 Approval of previous board meeting minutes
- Regular Board Meeting - June 11, 2024**

*Approval of previous board meeting minutes
- Regular Board Meeting - June 11, 2024*

F.2 Consider recommendation from the Finance/Administrative Committee to amend the 2024 EAA Operating Budget by increasing the Next Generation Fund appropriation by \$45,471.

Amend the 2024 EAA Operating Budget by increasing the Next Generation Fund appropriation for Professional Technical Services by \$45,471.

F.3 Consider recommendation from the Finance/Administrative Committee to approve payment to Kemp Smith, in the amount of \$50,760.76, for legal services for May 2024.

Approve payment to Kemp Smith, in the amount of \$50,760.76, for legal services for May 2024.

F.4 Consider recommendation from the Permits/Enforcement Committee to approve a conversion of base irrigation groundwater owned by Continental Homes of Texas, L.P.

Adopt a Final Order Granting Application to Convert Base Irrigation Groundwater to Unrestricted Irrigation Groundwater based on changes in land use submitted by Continental Homes of Texas, L.P.

[Attached and made a part of these minutes.]

F.5 Consider recommendation from the Permits/Enforcement Committee to approve a conversion of base irrigation groundwater owned by LEC Legacy, Ltd.

Adopt a Final Order Granting Application to Convert Base Irrigation Groundwater to Unrestricted Irrigation Groundwater based on changes in land use submitted by LEC Legacy, Ltd.

[Attached and made a part of these minutes.]

A motion was made by Director Krueger, seconded by Director Persyn, to approve the consent agenda. The motion passed without opposition.

G. Individual Consideration

G.1 Receive update from EAA staff on current re-branding initiatives and consider possible action to approve a logo redesign.

Mr. Ruiz introduced this item and Mr. Eduardo Flores, Creative Manager, briefed the board regarding current re-branding initiatives and a logo redesign.

The board did not make a motion regarding this item.

G.2 Consider recommendation from the Permits/Enforcement Committee to approve ASR springflow protection program forbearance agreements with Cecile Tindall Graham; Dan Kinsel Trustee of the DL Kinsel Family Trust; Bishop Farms, LTD. & KWB Management, L.L.C.; Oblate School of Theology, a Texas Non-Profit Corporation; Suzanne E. Turk; and Thomas O. Persyn for the Aquifer Storage and Recovery Forbearance Program, in support of the Edwards Aquifer Habitat Conservation Plan, in the total amount of \$267,157.20.

Mr. Javier Hernandez, Special Projects Liaison, briefed the board regarding ASR springflow protection program forbearance agreements with Cecile Tindall Graham; Dan Kinsel Trustee of the DL Kinsel Family Trust; Bishop Farms, LTD. & KWB Management, L.L.C.; Oblate School of Theology, a Texas Non-Profit Corporation; Suzanne E. Turk; and Thomas O. Persyn for the Aquifer Storage and Recovery Forbearance Program.

A motion was made by Director Gilleland, seconded by Director Yanta, the board approve springflow protection program forbearance agreements with: (1) Cecile Tindall Graham; (2) Dan Kinsel, Trustee of the DL Kinsel Family Trust; (3) Bishop Farms, LTD. & KWB Management, L.L.C.; (4) Oblate School of Theology, a Texas Non-Profit Corporation; (5) Suzanne E. Turk; and (6) Thomas O. Persyn with the EAA for the Aquifer Storage and Recovery Program in support of the Edwards Aquifer Habitat Conservation Plan and authorize the General Manager to execute the agreement. Director Persyn abstained from the vote on the motion. The motion passed without opposition.

[Attached and made a part of these minutes.]

- G.3 Consider recommendation from the Permits/Enforcement Committee to approve forbearance agreements with Michael T. Adamek and Kristen J. Adamek; Bishop Farms, LTD. & KWB Management, L.L.C.; John Aviel Persyn; and Mark A. Nester 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 \$176,457.31, and not to exceed \$699,293.79.**

Mr. Hernandez briefed the board regarding forbearance agreements with Michael T. Adamek and Kristen J. Adamek; Bishop Farms, LTD. & KWB Management, L.L.C.; John Aviel Persyn; and Mark A. Nester for Edwards groundwater withdrawal rights for the Voluntary Irrigation Suspension Program Option.

A motion was made by Director Gilleland, seconded by Director Yanta, forbearance agreements with Michael T. Adamek and Kristen J. Adamek; Bishop Farms, LTD. & KWB Management, L.L.C.; John Aviel Persyn; and Mark A. Nester for Edwards groundwater withdrawal rights for the Voluntary Irrigation Suspension Program Option. Director Persyn abstained from the vote on the motion. The motion passed without opposition.

[Attached and made a part of these minutes.]

- G.4 Consider recommendation from EAA staff calling for the election of seven voting members to the EAA Board of Directors from seven single-member districts within the boundaries of the EAA to be held on November 5, 2024.**

Mr. Marc Friberg, Deputy General Manager, briefed the board regarding the election of seven voting members to the EAA Board of Directors from seven single-member districts within the boundaries of the EAA to be held on November 5, 2024.

A motion was made by Vice-Chairman Sanborn, seconded by Secretary Youngblood, the board adopt Resolution and Order No. 07-24-097 of the Edwards Aquifer Authority Board of Directors calling for the election of seven voting members to the EAA Board of Directors from seven single-member districts within the boundaries of the EAA to be held on November 5, 2024, and providing for matters related to the holding of said election in accordance with applicable law. The motion passed without opposition.

[Attached and made a part of these minutes.]

- G.5** Consider recommendation from EAA staff to approve a Joint Election Agreement between the Bexar County Elections Administrator, acting on behalf of Bexar County, and other political subdivisions, including the Edwards Aquifer Authority, for the conducting of joint elections by the political subdivisions, including for the 2024 general directors election of the Edwards Aquifer Authority.

Mr. Friberg briefed the board regarding a Joint Election Agreement between the Bexar County Elections Administrator, acting on behalf of Bexar County, and other political subdivisions, including the Edwards Aquifer Authority, for the conducting of joint elections by the political subdivisions, including for the 2024 general directors election of the Edwards Aquifer Authority.

A motion was made by Vice-Chairman Sanborn, seconded by Director Perkins, the board approve a Joint Election Agreement between the Bexar County Elections Administrator, acting on behalf of Bexar County, and other political subdivisions, including the Edwards Aquifer Authority, for the conducting of joint elections by the political subdivisions, including for the 2024 general directors election of the Edwards Aquifer Authority. The motion passed without opposition.

[Attached and made a part of these minutes.]

- G.6** Consider recommendation from the Executive Committee to approve a Services Agreement between the Edwards Aquifer Authority and the Edwards Aquifer Conservancy.

A motion was made by Director Patterson, seconded by Director Hoyt, the board table this agenda item. The motion passed without opposition.

- G.7** Receive report from EAA staff and consider potential action regarding the EAA's 2024 Agriculture Conservation Equipment Grant program and related funding.

Mr. Friberg briefed the board regarding the EAA's 2024 Agriculture Conservation Equipment Grant program and related funding.

A motion was made by Director Krueger, seconded by Director Patterson, the board utilize the Pepsi money for 2025. The motion passed without opposition.

- G.8** Receive report from EAA staff related to metered and unpermitted withdrawals from the Edwards Aquifer and consider further enforcement action on well owners who fail to resolve these unauthorized groundwater withdrawals, thus resulting in a violation of EAA rules.

This agenda item was not considered at this meeting.

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 2:14 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 2:27 p.m.

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

The board did not consider any recommendations.

K. Future Board Meeting Agendas

The board did not discuss future agenda items.

L. Adjournment

There being no further business to discuss, the meeting adjourned at 2:28 p.m.

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

*Jennifer Wong-Esparza
Assistant to Board Secretary*