



Edwards Aquifer Authority

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

Meeting Minutes - Draft

Board of Directors

Luana Buckner, Chair

Enrique Valdivia, Vice Chair Ben Youngblood, Secretary

Byron Miller, Treasurer

Tuesday, August 9, 2022

4:00 PM

EAA Board Room

A. Call to Order – Roll Call

Chairman Buckner called the meeting to order at 4:04 p.m.

Present: 15 - Chair Luana Buckner, Director Don Baker, Director Fohn Bendele, Director Austin Bodin, Director Deborah Carington, Director Rader Gilleland, Director Kathleen Krueger, Director Gary Middleton, Treasurer Byron Miller, Director Carol Patterson, Director Abe Salinas, Director Rachel Sanborn, Vice Chair Enrique Valdivia, Director Scott Yanta and Secretary Ben Youngblood

Absent: 2 - Director Randall Perkins and Director Ron Walton

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. Laurel Galm was hired as a Senior Regulatory Inspector for Recharge Zone Regulation.*
- *Ms. Natasha Ponce, Groundwater Use Coordinator, completed 10 years of service with the EAA.*
- *The EAA would be hosting State Comptroller Glenn Hegar and his team on October 11 at the Edwards Aquifer Authority Education Outreach Center as part of the Good For Texas Tour, Water Edition. This is Comptroller Hegar's initiative to travel the state and shine the spotlight on various segments of the Texas economy and its most salient aspects. This particular tour focuses on water and water supply, so it is a good opportunity to share our success story on which we are building the Next Generation of our mission.*
- *Directors should have replied to Sandy for this year's Board Work Session, September 15-16. Much of the focus would be on reconnecting to the "why" of our mission and how it connects to the Next Generation vision we have adopted and all bought into.*
- *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 June 2022.

The board did not have any questions for Treasurer Miller regarding the unaudited financial statements for June 2022.

E. Board Reports**E.1**

Receive report on 2021 activities associated with the South Texas Weather Modification Association's Precipitation Enhancement Program.

Mr. Javier Hernandez, Special Projects Liaison, introduced Mr. Jonathan Jennings, Meteorologist - South Texas Weather Modification Association and Ms. Bria Hieatt, Meteorologist - South Texas Weather Modification Association, to the board.

Mr. Jennings and Ms. Hieatt briefed the board regarding the efforts of the South Texas Weather Modification Association's Precipitation Enhancement Program.

F. Consent Agenda

F.1 Approval of previous board meeting minutes
- Regular Board Meeting - July 12, 2022

Approval of previous board meeting minutes
- Regular Board Meeting - July 12, 2022

F.2 Consider recommendation from the Permits/Enforcement Committee to accept the settlement counter-offer from Mr. Larry Rheinlaender, related to unpaid aquifer management fees associated with Edwards Aquifer Groundwater Withdrawal Permit No. P100-480, for the years 2019 through 2021.

Accept the settlement counter-offer from Mr. Larry Rheinlaender regarding the pending enforcement matter.

F.3 Consider recommendation from the Permits/Enforcement Committee to approve a forbearance agreement with Frances Carey Bippert 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 \$38,880.00, and not to exceed \$154,080.00.

Adopt Resolution and Order No. 08-22-031 of the Edwards Aquifer Authority Board of Directors to approve a VISPO forbearance agreement for permitted Edwards groundwater rights between the EAA and Frances Carey Bippert, in the total amount of not less than \$38,880.00, and not to exceed \$154,080.00, for the Voluntary Irrigation Suspension Program Option in support of the Edwards Aquifer Habitat Conservation Plan, and authorizing the General Manager to execute the Agreement.

[Attached and made a part of these minutes.]

F.4 Consider recommendation from the Finance/Administrative Committee to approve payment to Kemp Smith, in the amount of \$39,488.91, for legal services for June 2022.

Approve payment to Kemp Smith, in the amount of \$39,488.91, for legal services for June 2022.

A motion was made by Treasurer Miller, seconded by Vice-Chairman Valdivia, to approve the consent agenda. The motion passed without opposition.

G. Individual Consideration

- G.1 Consider recommendation from EAA staff to approve a contract with the Board of Regents of the University of Oklahoma for Downscaling of Selected Climate Models for the Edwards Aquifer Region, in an amount not to exceed \$77,410.**

Mr. Paul Bertetti, Director of Aquifer Science, briefed the board regarding a contract with the Board of Regents of the University of Oklahoma for Downscaling of Selected Climate Models for the Edwards Aquifer Region.

A motion was made by Director Patterson, seconded by Vice-Chairman Valdivia, the board approve Contract No. 22-016-AMS between the EAA and the Board of Regents of the University of Oklahoma for Downscaling of Selected Climate Models for the Edwards Aquifer Region, in an amount not to exceed \$77,410, for the period August 10, 2022, through March 31, 2023. The motion passed without opposition.

- G.2 Consider recommendation from the Permits/Enforcement Committee to approve a contract with Tejas Premier Building Contractor, Inc., for agricultural aboveground storage tank upgrades at various locations in Hays and Uvalde Counties, Texas, in an amount not to exceed \$708,143.85.**

Mr. Marc Friberg, Executive Director - External & Regulatory Affairs, briefed the board regarding a contract with Tejas Premier Building Contractor, Inc., for agricultural aboveground storage tank upgrades at various locations in Hays and Uvalde Counties.

A motion was made by Vice-Chairman Valdivia, seconded by Director Yanta, the board adopt Resolution and Order No. 08-22-032 of the Edwards Aquifer Authority Board of Directors approving Contract No. 22-024-ERA between the EAA and Tejas Premier Building Contractor, Inc., for agricultural aboveground storage tank upgrades at various locations in Hays and Uvalde Counties, Texas, in an amount not to exceed \$708,143.85, for the period August 10, 2022 through December 31, 2023, and authorizing the General Manager to execute the Contract. Director Gilleland 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 Finance/Administrative Committee to approve the purchase of employee medical insurance from Blue Cross Blue Shield of Texas through CBG Benefits Group, in the approximate amount of \$790,196, for the period October 1, 2022 through September 30, 2023.**

A motion was made by Treasurer Miller, seconded by Director Patterson, the board adopt Resolution and Order No. 08-22-033 of the Edwards Aquifer Authority Board of Directors approving the purchase of employee medical insurance from Blue Cross Blue Shield of Texas, through CBG Benefits Group, in the approximate amount of \$790,196, for October 1, 2022 through September 30, 2023, and authorizing the General Manager to execute the necessary documents. The motion passed without opposition.

[Attached and made a part of these minutes.]

G.4 Consider recommendation from the Executive Committee to adopt the EAA's 2023 legislative priorities.

Mr. Friberg briefed the board regarding the adoption of the EAA's proposed 2023 legislative priorities, including potential legislative language.

A motion was made by Vice-Chairman Valdivia, seconded by Director Yanta, the board adopt the EAA's 2023 legislative priorities as presented and approve the presented draft bill language for use during the 88th Regular Session of the Texas Legislature. The motion passed without opposition.

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 2022 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 for the conducting of joint elections, including the 2022 general directors election of the Edwards Aquifer Authority.

A motion was made by Vice-Chairman Valdivia, seconded by Director Patterson, 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 2022 general directors election of the Edwards Aquifer Authority. The motion passed without opposition.

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 Buckner closed the meeting to the public at 5:09 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 Buckner reopened the meeting to the public at 5:15 p.m.

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

A motion was made by Secretary Youngblood, seconded by Director Krueger, the board direct the General Manager to negotiate a settlement related to prior Administrative Penalties assessed by the board as discussed in closed session and bring a new board order to effectuate the settlement to the next board meeting. The motion passed without opposition.

K. Discuss items for future board meeting agendas.

The board did not discuss future board meeting agenda items.

L. Adjournment.

There being no further business to discuss, the meeting adjourned at 5:17 p.m.

Benjamin F. Youngblood III
Secretary, Board of Directors

Jennifer Wong-Esparza
Assistant to Board Secretary