



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, September 13, 2022

4:00 PM

EAA Board Room

A. Call to Order – Roll Call

Vice-Chairman Valdivia called the meeting to order at 4:00 p.m.

- Present:** 11 - Director Austin Bodin, Director Deborah Carington, Director Rader Gilleland, Director Gary Middleton, Treasurer Byron Miller, Director Carol Patterson, Director Rachel Sanborn, Vice Chair Enrique Valdivia, Director Ron Walton, Director Scott Yanta and Secretary Ben Youngblood
- Absent:** 6 - Chair Luana Buckner, Director Don Baker, Director Fohn Bendele, Director Kathleen Krueger, Director Abe Salinas and Director Randall Perkins

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. Jorge Paramo, Senior Regulatory Compliance Coordinator, completed 10 years of service with the EAA.*
- *Directors were reminded about the work session and were provided with a copy of the timed agenda.*
- *Critical period management mobile workshops were scheduled for September 21 in Hondo and September 28 in Uvalde.*
- *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 July 2022.

Ms. Shelly Hendrix, Director/Controller Financial Services, briefed the board regarding the unaudited financial statements for July 2022.

E. Board Reports

E.1 Receive report from Gary Middleton - South Central Texas Water Advisory Committee (SCTWAC), regarding the SCTWAC 2022 Biennial Report on the Effectiveness of the Edwards Aquifer Authority.

The board did not consider this agenda item at this meeting.

E.2 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 Gary Middleton, South Central Texas Water Advisory Committee (SCTWAC) representative, briefed the board regarding downstream water conditions of the Guadalupe River Basin.

E.3 Receive report from EAA staff on the General Manager's 2023 Proposed Operating Budget.

Ms. Hendrix briefed the board regarding the General Manager's 2023 Proposed Operating Budget.

F. Consent Agenda

**F.1 Approval of previous board meeting minutes
 - Regular Board Meeting - August 9, 2022**

*Approval of previous board meeting minutes
 - Regular Board Meeting - August 9, 2022*

F.2 Consider recommendation from EAA staff to approve Joint Funding Agreement No. 22-020-AMS between the EAA and the United States Geological Survey for NAQWA Well Pump Installation, in an amount not to exceed \$67,090.

Approve Joint Funding Agreement No. 22-020-AMS between the EAA and the United States Geological Survey for NAQWA Well Pump Installation for an amount not to exceed \$67,090, for the period September 14, 2022, through August 10, 2023, and authorize the General Manager to execute the agreement.

- F.3 Consider recommendation from EAA staff to approve the purchase of a nuclear magnetic resonance tool for hydrogeophysical research at the EAA's Field Research Park.**

Approve purchase order 22-21990 for the acquisition of a portable nuclear magnetic resonance probe from Vista Clara Inc., in an amount not to exceed \$83,300, and authorize the General Manager to proceed with any necessary steps to make the purchase.

- F.4 Consider recommendation from the Permits/Enforcement Committee to approve an application to convert base irrigation groundwater owned by Second Nature Compost, LLC, based on a change in land use.**

Adopt a Final Order Granting Application to Convert Base Irrigation Groundwater for Regular Permit No. P200-219 (BE00039) based on a change in land use submitted by Second Nature Compost, LLC.

[Attached and made a part of these minutes.]

- F.5 Consider recommendation from the Finance/Administrative Committee to declare certain personal property of the EAA to be surplus and to authorize the disposal of the surplus property.**

Adopt Resolution and Order No. 09-22-034 of the Edwards Aquifer Authority Board of Directors declaring certain personal property of the EAA to be surplus and authorizing the General Manager to sell or otherwise dispose of the surplus property.

[Attached and made a part of these minutes.]

- F.6 Consider recommendation from the Finance/Administrative Committee to approve the renewal of interlocal cooperation contracts with the Texas Municipal League Intergovernmental Risk Pool for property and casualty insurance, and for workers' compensation insurance, in the total amount of \$139,376, for the period of October 1, 2022 through October 1, 2023.**

Adopt Resolution and Order No. 09-22-035 of the Edwards Aquifer Authority Board of Directors approving the renewal of interlocal cooperation contracts with the Texas Municipal League Intergovernmental Risk Pool for property and casualty insurance, and for workers' compensation insurance, in the total amount of \$139,376, for the period October 1, 2022 through October 1, 2023, and authorize the General Manager to take any necessary steps to renew the contracts and release payment.

[Attached and made a part of these minutes.]

F.7

Consider recommendation from the Finance/Administrative Committee to amend the 2022 EAA Operating Budget by transferring \$60,000 from the Elections Professional Technical Services account to the Authority Operations Property Services account.

Approve amending the 2022 EAA Operating Budget by transferring \$60,000 from the Elections Professional Technical Services account to the Authority Operations Property Services account for facilities maintenance.

F.8

Consider recommendation from the Finance/Administrative Committee to approve payment to Kemp Smith, in the amount of \$38,752.75, for legal services for July 2022.

Approve payment to Kemp Smith, in the amount of \$38,752.75, for legal services for July 2022.

A motion was made by Treasurer Miller, seconded by Director Yanta, the board approve the consent agenda. The motion passed without opposition.

G. Individual Consideration**G.1**

Consider recommendation from the Permits/Enforcement Committee to approve forbearance agreements with Linda Susan Mechler and Carol Jean Mechler; Mary M. Schott and Timothy Wayne Schott; and F & M Santleben Properties, Ltd., 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 \$244,053.00, and not to exceed \$967,173.00.

Mr. Javier Hernandez, Special Projects Liaison, briefed the board regarding approving forbearance agreements with Linda Susan Mechler and Carol Jean Mechler; Mary M. Schott and Timothy Wayne Schott; and F & M Santleben Properties, Ltd., for Edwards groundwater withdrawal rights for the Voluntary Irrigation Suspension Program Option.

A motion was made by Director Gilleland, seconded by Director Yanta, the board adopt Resolution and Order No. 09-22-036 of the Edwards Aquifer Authority Board of Directors to approve VISPO forbearance agreements for permitted Edwards groundwater rights between the EAA and Linda Susan Mechler and Carol Jean Mechler; Mary M. Schott and Timothy Wayne Schott; and F & M Santleben Properties, Ltd., in the total amount of not less than \$244,053.00, and not to exceed \$967,173.00, for the Voluntary Irrigation Suspension Program Option in support of the Edwards Aquifer Habitat Conservation Plan, and authorizing the General Manager to execute the Agreements. The motion passed without opposition.

[Attached and made a part of these minutes.]

- G.2** Consider recommendation from the Permits/Enforcement Committee to approve a renewal and extension of an Interlocal Cooperation Contract with the Evergreen Underground Water Conservation District to conduct a Precipitation Enhancement Program, in an amount not to exceed \$175,000.

Mr. Marc Friberg, Executive Director - External & Regulatory Affairs, briefed the board regarding approving a renewal and extension of an Interlocal Cooperation Contract with the Evergreen Underground Water Conservation District to conduct a Precipitation Enhancement Program.

A motion was made by Director Gilleland, seconded by Director Yanta, Move the board adopt Resolution and Order No. 09-22-037 of the Edwards Aquifer Authority Board of Directors approving a one-year renewal and extension of Interlocal Cooperation Contract No. 20-031-ERA between the EAA and Evergreen Underground Water Conservation District to conduct precipitation enhancement activities, in an amount not to exceed \$175,000, for the period October 1, 2022 through September 30, 2023. The motion passed without opposition.

[Attached and made a part of these minutes.]

- G.3** Consider recommendation from EAA staff to: (1) accept the Certification of Candidates' Unopposed Status issued by Board Secretary Benjamin F. Youngblood, III; (2) adopt Resolution and Order No. 09-22-038 of the Edwards Aquifer Authority Board of Directors declaring the unopposed candidates elected to office from single-member districts 1, 3, 5, 7, 9, 10, 11, 13, and 15 within the boundaries of the EAA and cancelling those elections; and (3) direct the General Manager and General Counsel to take all appropriate actions in furtherance thereof as may be required by law.

Mr. Friberg briefed the board regarding accepting the certification by the Secretary of the Board of Directors ("board") of the Edwards Aquifer Authority ("EAA") of those candidates who are unopposed for the EAA's November 8, 2022 general directors' election and by board order, to declare the unopposed candidates to be elected to their respective positions as a director of the board of the EAA and cancel each respective election.

A motion was made by Secretary Youngblood, seconded by Director Patterson, the board: (1) accept the Certification of Candidates' Unopposed Status issued by Board Secretary; (2) adopt Resolution and Order No. 09-22-038 of the Edwards Aquifer Authority Board of Directors declaring the unopposed candidates elected to office from single-member districts 1, 3, 5, 7, 9, 10, 11, 13, and 15 within the boundaries of the EAA and cancelling those elections; and (3) direct the General Manager and General Counsel to take all appropriate actions in furtherance thereof as may be required by law. The motion passed without opposition.

[Attached and made a part of these minutes.]

- G.4 Consider recommendation from EAA staff to settle Administrative Penalties issued under Section 1.37 of the EAA Act against Andrea Sanger for failing to file Annual Groundwater Use Reports with the EAA and failing to pay aquifer management fees.**

Mr. Earl Parker, Director - Regulatory Affairs, briefed the board regarding settling Administrative Penalties issued against Andrea Sanger for failing to file Annual Groundwater Use Reports with the EAA and failing to pay aquifer management fees.

A motion was made by Director Gilleland, seconded by Director Yanta, the board approve the Order Settling Administrative Penalties for Failure to Timely File 2019 and 2020 Annual Use Reports and Timely Pay Aquifer Management Fees for 2017 - 2021. The motion passed without opposition.

[Attached and made a part of these minutes.]

- G.5 Consider recommendation from EAA staff to assess an Administrative Penalty under Section 1.37 of the EAA Act against Grace Point Church (P100-614) and Mr. James Goodman (P105-286), for exceeding authorized groundwater withdrawals from an Edwards Aquifer well in 2021 and for failing to settle the violation with the EAA.**

EAA staff settled these violations prior to this meeting. Therefore, the board did not consider this agenda item.

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)
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 agenda items.

L. Adjournment.

There being no further business to discuss, the meeting adjourned at 4:33 p.m.

Benjamin F. Youngblood III
Secretary, Board of Directors

Jennifer Wong-Esparza
Assistant to Board Secretary