



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, October 11, 2022

4:00 PM

EAA Board Room

A. Call to Order – Roll Call

Secretary Youngblood called the meeting to order at 4:02 p.m.

Present: 11 - Director Don Baker, Director Austin Bodin, Director Rader Gilleland, Director Gary Middleton, Treasurer Byron Miller, Director Carol Patterson, Director Randall Perkins, Director Rachel Sanborn, Director Ron Walton, Director Scott Yanta and Secretary Ben Youngblood

Absent: 6 - Chair Luana Buckner, Director Fohn Bendele, Director Deborah Carington, Director Kathleen Krueger, Director Abe Salinas and Vice Chair Enrique Valdivia

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. Jesus Hinojosa was hired as a Systems Technician I for Information Technology.*
- *Ms. Olivia Ybarra, Habitat Conservation Plan Coordinator, completed five years of service with the EAA.*
- *The EAHCP was the recipient of a \$1 million planning grant.*
- *State Comptroller Glenn Hegar held a press briefing and offered remarks on the success of the EAA and toured the Education Outreach Center and Field Research Park on October 11.*
- *The EAA and the Bexar-Medina-Atascosa Counties Water Control and Improvement District (BMA) would be entering into a Memorandum of Understanding (MOU) for water mitigation issues that would benefit the Edwards Aquifer.*
- *Secretary Youngblood would brief the board regarding the General Manager (GM) Performance Assessment for 2022.*
- *Mr. Paul Bertetti, Director of Aquifer Science, briefed the board on current aquifer conditions.*

Secretary Youngblood briefed the board regarding the 2022 GM Performance Assessment and provided a timeline and details to complete the assessment.

D. Treasurer's Report**D.1 Receive report from EAA staff on unaudited financial statements for August 2022.**

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

Director Gary Middleton - South Central Texas Water Advisory Committee (SCTWAC), introduced Mr. Tom Brown, MRB Group.

Mr. Brown briefed the board regarding the SCTWAC 2022 Biennial Report on the Effectiveness of the Edwards Aquifer Authority.

F. Consent Agenda

F.1 Approval of previous board meeting minutes

- Regular Board Meeting - September 13, 2022
- Special Board Meeting - September 15, 2022
- Special Board Meeting - FRP - September 16, 2022
- Special Board Meeting - EOC - September 16, 2022

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F.2 Consider recommendation from the Finance/Administrative Committee to approve an arrangement letter with RSM US, L.L.P. to provide independent audit services for fiscal year 2022, in the amount of \$70,000.

Approve an arrangement letter with RSM US, L.L.P. to provide independent audit services for fiscal year 2022, in the amount of \$70,000.

F.3 Consider recommendation from the Finance/Administrative Committee to approve the 2023 plan agreement with the Texas County and District Retirement System.

Adopt Resolution and Order No. 10-22-039 of the Edwards Aquifer Authority Board of Directors approving the plan agreement with the Texas County and District Retirement System, for the period January 1, 2023, through December 31, 2023.

[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 \$44,673.10, for legal services for August 2022.

Approve payment to Kemp Smith, in the amount of \$44,673.10, for legal services for August 2022.

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

G. Individual Consideration

- G.1** **Consider recommendation from the Finance/Administrative Committee to authorize staff to present the 2023 proposed budget and associated aquifer management fee rates for public comment.**

Ms. Shelly Hendrix, Director/Controller Financial Services, briefed the board regarding authorizing staff to present the 2023 proposed budget and associated aquifer management fee rates for public comment.

A motion was made by Treasurer Miller, seconded by Director Patterson, the board authorize staff to present the 2023 proposed budget and associated aquifer management fee rates for public comment. The motion passed without opposition.

- G.2** **Consider recommendation from EAA staff to approve a conversion of base irrigation groundwater owned by KB Home Lone Star, Inc.**

Mr. Omar Garcia, Water Resources Manager, briefed the board regarding a conversion of base irrigation groundwater owned by KB Home Lone Star, Inc.

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 KB Home Lone Star, Inc. The motion passed without opposition.

[Attached and made a part of these minutes.]

- G.3** **Consider recommendation from EAA staff to approve a conversion of base irrigation groundwater owned by Arroyo Cap II-2, LLC.**

Mr. Garcia briefed the board regarding a conversion of base irrigation groundwater owned by Arroyo Cap II-2, LLC.

A motion was made by Director Yanta, seconded by Director Perkins, 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 Arroyo Cap II-2, LLC. The motion passed without opposition.

[Attached and made a part of these minutes.]

- G.4 Consider recommendation from EAA staff to approve forbearance agreements with Zinsmeyer Farms, and Lucille Carson Hutcherson 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 \$110,060.10, and not to exceed \$436,164.10.**

Mr. Javier Hernandez, Special Projects Liaison, briefed the board regarding approving forbearance agreements with Zinsmeyer Farms, and Lucille Carson Hutcherson 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. 10-22-040 of the Edwards Aquifer Authority Board of Directors to approve VISPO forbearance agreements for permitted Edwards groundwater rights between the EAA and Zinsmeyer Farms, and Lucille Carson Hutcherson in the total amount of not less than \$110,060.10, and not to exceed \$436,164.10, 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.]

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:

Secretary Youngblood closed the meeting to the public at 4:43 p.m.

I.1 Closed Session.

1. Consultation with Attorney - Pending Litigation (§ 551.071)

Active Litigation:

Schindel v. Edwards Aquifer Auth. (W.D. Tex. Sept. 2, 2022)

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)

Secretary Youngblood reopened the meeting to the public at 5:06

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 board meeting agenda items.

L. Adjournment

There being no further business to discuss, the meeting adjourned at 5:07 p.m.

Benjamin F. Youngblood III
Secretary, Board of Directors

Jennifer Wong-Esparza
Assistant to Board Secretary