



# 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*

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Tuesday, February 13, 2024

1:00 PM

EAA Board Room

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#### A. Call to Order – Roll Call – Pledge of Allegiance

*Chairman Valdivia called the meeting to order at 1:00 p.m.*

**Present:** 13 - Director Don Baker, Director Deborah Carington, Director Rader Gilleland, Director Matthew Hoyt, Director Gary Middleton, Treasurer Byron Miller, Director Carol Patterson, Director Russell Persyn, Director Abe Salinas, Vice Chair Rachel Sanborn, Chair Enrique Valdivia, Director Scott Yanta and Secretary Ben Youngblood

**Absent:** 3 - Director Bruce Alexander, Director Kathleen Krueger 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. Patrick Havard was hired as an Accountant I for Financial Services.*
- *Dr. Hakan Başağaoğlu, Associate Director of Modeling, completed five years of service with the EAA.*
- *Staff participated in meetings with USFWS regarding the proposed listing of the two blindcat species. These have been opportunities to hear from USFWS as well as to offer additional information and perspectives.*
- *We continue to work cooperatively with the Bexar Medina Atascosa Irrigation District (BMA) under an MOU that was approved last year. Thus far, BMA has engaged some consultants to undertake a water availability analysis of Medina Lake and feasibility of potential projects. We have served in a technical advisory role and would continue to do so until such time as an identifiable project materializes whereby we might participate in a more robust way.*
- *Mr. Paul Bertetti, Director of Aquifer Science, briefed the board on current aquifer conditions.*

**D. Board Reports****D.1****Board Policy Briefing - Section 1.14 of the EAA Act**

*This presentation was postponed until next month's board meeting.*

**E. Treasurer's Report****E.1****Receive report from EAA staff on unaudited financial statements for December 2023.**

*The board did not have any questions for Treasurer Miller regarding the unaudited financial statements for December 2023.*

**F. Consent Agenda****F.1****Approval of previous board meeting minutes****- Regular Board Meeting - January 9, 2024**

*Approval of previous board meeting minutes*

- *Regular Board Meeting - January 9, 2024*

**F.2 Consider recommendation from the Finance/Administrative Committee to approve payment to Kemp Smith, in the amount of \$32,348.86, for legal services for December 2023.**

*Approve payment to Kemp Smith, in the amount of \$32,348.86, for legal services for December 2023.*

*A motion was made by Secretary Youngblood, seconded by Director Patterson, the board approve the consent agenda. The motion passed without opposition.*

**G. Individual Consideration**

**G.1 Interview, select and appoint a candidate to fill the unexpired term for EAA Director District 10.**

*Mr. Marc Friberg, Deputy General Manager, introduced the applicant for the Director District 10 position, Ms. Maggie Hutchins-Wagner.*

*Ms. Hutchins-Wagner briefed the board regarding her qualifications for the District 10 position.*

**A motion was made by Vice-Chairman Sanborn, seconded by Director Hoyt, the board appoint Ms. Maggie Hutchins-Wagner to fill the unexpired term for the vacant Director - District 10 position on the EAA Board of Directors. The motion passed without opposition.**

**G.2 Consider recommendation from EAA staff to approve a forbearance agreement with Matthew Michael and Jamie Ann Dodson for Edwards Aquifer groundwater withdrawal rights for the Voluntary Irrigation Suspension Program Option in support of the Edwards Aquifer Habitat Conservation Plan.**

*Mr. Javier Hernandez, Special Projects Liaison, briefed the board regarding a forbearance agreement with Matthew Michael and Jamie Ann Dodson for Edwards Aquifer 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. 02-24-080 to approve VISPO forbearance agreements for permitted Edwards groundwater rights between the EAA and Matthew Michael and Jamie Ann Dodson in the total amount of not less than \$54,448.47, and not to exceed \$215,777.27, 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.3 Consider recommendation from the Permits/Enforcement Committee to approve a Groundwater Trust Transfer Contract for 2024.**

*Mr. Omar Garcia, Water Resources Manager, briefed the board regarding a Groundwater Trust Transfer Contract for 2024 with Mr. Steven Tedford.*

**A motion was made by Director Gilleland, seconded by Director Yanta, the board authorize the General Manager to enter into a Groundwater Trust Transfer Contract with Mr. Steven Tedford as presented. The motion passed without opposition.**

**G.4 Consider recommendation from the Finance/Administrative Committee to approve a final, one-year renewal and extension of a Public Funds Depository Services and Collateral Security Agreement with PNC Bank for central depository services.**

*Ms. Shelly Hendrix, Director/Controller Financial Services, briefed the board regarding a final, one-year renewal and extension of a Public Funds Depository Services and Collateral Security Agreement with PNC Bank for central depository services.*

**A motion was made by Treasurer Miller, seconded by Director Patterson, the board adopt Resolution and Order No. 02-24-081 of the Edwards Aquifer Authority Board of Directors approving the renewal and extension of a contract between the EAA and PNC Bank for central depository services for the period March 1, 2024 through February 28, 2025 and authorizing the General Manager to execute the contract. The motion passed without opposition.**

**[Attached and made a part of these minutes.]**

**G.5 Consider recommendation from the Finance/Administrative Committee to amend the 2024 EAA Operating Budget by increasing the General Fund appropriation by \$300,324.**

*Ms. Hendrix briefed the board regarding amending the 2024 EAA Operating Budget by increasing the General Fund appropriation by \$300,324.*

**A motion was made by Treasurer Miller, seconded by Vice-Chairman Sanborn, the board amend the 2024 EAA Operating Budget by increasing the General Fund appropriation for Professional Technical Services and Capital Expenses by \$300,324. 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 Valdivia closed the meeting to the public at 1:25 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)**

*Chairman Valdivia reopened the meeting to the public at 1:50 p.m.*

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

**A motion was made by Director Gilleland, seconded by Director Yanta, the board approve the purchase agreement between Nick Constanzo, Jr., and the Edwards Aquifer Authority for 2.2 acre-feet of Edwards Aquifer Groundwater Withdrawal Rights. The motion passed without opposition.**

**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 1:51 p.m.*

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

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*Jennifer Wong-Esparza*  
*Assistant to Board Secretary*