



# Edwards Aquifer Authority

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

## Meeting Minutes - Draft

### Board of Directors

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Tuesday, September 13, 2016

3:00 PM

EAA Board Room

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

*Chairman Buckner called the meeting to order at 3:06 p.m.*

**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.)
- Upcoming Activities/Events (conferences, meetings, etc.)
- Operational Announcements (schedule changes, program updates, etc.)
- Recent Activities of the Edwards Aquifer Habitat Conservation Program
- Recent Legislative Activities
- Aquifer Conditions

*Mr. Roland Ruiz, General Manager, made the following announcements:*

- *Mr. Charles "Chuck" Ahrens was hired as the Water Resources Manager for External & Regulatory Affairs.*
- *Mr. Felix Marquez, Executive Director - Administration & Financial Services, completed 10 years of service with the EAA.*
- *Ms. Sarah Eason Watson, Lead GIS Analyst, was published in the ESRI Map Book (ESRI's annual publication of GIS projects selected as outstanding). The published project explored the relationship between precipitation and recharge by comparing estimated recharge in wet years and dry years. The project was presented at the 2015 ESRI User Conference and subsequently selected by ESRI to be featured in their annual publication, ESRI Map Book, Volume 31. Sarah's publication is derived from an internal EAA research project presented to the board under the title "Rainfall Deficits and Recharge for the Edwards Aquifer Region 2003-2014" in April 2015.*
- *Directors received a copy of the 2017 Proposed Budget. This proposed budget would go to the Finance/Administrative Committee at the regular meeting on September 27, with public hearing on this budget scheduled during October, and back to the Finance/Administrative Committee at the October 25 meeting. The board is scheduled to adopt the 2017 budget at the November 8 meeting.*
- *An item on the consent agenda was a recommendation from the AMP Committee to approve an interlocal contract with the City of San Antonio regarding the City's Proposition 1 – Edwards Aquifer Protection Program. This interlocal replaced a similar, open-ended agreement adopted in 2008. This new agreement includes a payment provision under which the City would pay the EAA \$175,000 annually to defray some of the costs associated with conducting the annual easement inspections. This was a five-year contract, which would be re-negotiated at the end of that term.*
- *He noted that the EAA funding application item on the consent agenda had a different amount for real-time monitoring than the one that was considered at the committee meeting. It has been adjusted and the board would be asked to consider approval of the FY2017 funding applications for all the parties to the EAHCP at the November 8 meeting.*
- *Staff was working on details for a field trip for the board to visit SAWS' ASR and Desalination facility.*
- *Mr. Geary Schindel, Chief Technical Officer/Director, briefed the board on current aquifer conditions.*

**D. Treasurer's Report****D.1****Unaudited financial statements for July 2016.**

*Treasurer Ellis presented the unaudited financial statements for July 2016.*

**E. Board Reports**

- E.1                    Receive report from Gary Middleton - South Central Texas Water Advisory Committee (SCTWAC), regarding the SCTWAC 2016 Biennial Report on the Effectiveness of the Edwards Aquifer Authority.**

*Director Gary Middleton introduced Mr. Tom Brown, Naismith Engineering. Mr. Brown presented the biennial report from the South Central Texas Water Advisory Committee (SCTWAC) on the effectiveness of the Edwards Aquifer Authority.*

**F.     Consent Agenda**

- F.1                    Approval of previous board meeting minutes**  
                         - Regular Board Meeting - August 9, 2016  
                         - Special Board Meeting - August 19-21, 2016

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- F.2                    Consider recommendation from the Aquifer Management Planning Committee to approve an interlocal cooperation contract with the City of San Antonio for services associated with the City's Edwards Aquifer Protection Program.**

Approve an interlocal cooperation contract between the EAA and the City of San Antonio for services associated with the City's Edwards Aquifer Protection Program for the period October 1, 2016, through September 30, 2021.

- F.3                    Consider recommendation from the Finance/Administrative Committee to approve payment to Kemp Smith for legal services for July 2016.**

Approve payment to Kemp Smith in the amount of \$38,656.77 for legal services for July 2016.

- F.4                    Consider recommendation from the Finance/Administrative Committee to authorize the General Manager to submit the Edwards Aquifer Habitat Conservation Program FY2017 Funding Application to the EAHCP process.**

Authorize the General Manager to submit the EAA's FY 2017 Program Funding Application to the EAHCP process.

A motion was made by Vice-Chairman Hughes, seconded by Director Laffere, to approve the consent agenda. The motion passed viva voce.

**G.     Individual Consideration**

- G.1 Consider recommendation from the Aquifer Management Planning Committee to renew and extend an Interlocal Cooperation Contract with the Evergreen Underground Water Conservation District to conduct a Precipitation Enhancement Program, in an amount not to exceed \$163,000.**

*Mr. Javier Hernandez, Special Projects Liaison, briefed the board regarding the interlocal cooperation contract with the Evergreen Underground Water Conservation District to conduct a Precipitation Enhancement Program.*

A motion was made by Director Stroka, seconded by Director Gilleland, the board adopt Resolution and Order No. 09-16-850 of the Edwards Aquifer Authority Board of Directors approving a one-year renewal and extension of Interlocal Cooperation Contract No. 15-775-ERA between the EAA and Evergreen Underground Water Conservation District to conduct precipitation enhancement activities, in an amount not to exceed \$163,000, for the period October 1, 2016, through September 30, 2017, and authorize the General Manager to execute the renewal. The motion passed viva voce. Director Patterson and Director Laffere voted in opposition to the motion.

[Attached and made a part of these minutes.]

- G.2 Consider recommendation from the Aquifer Management Planning Committee to approve Proposed Rules amending Chapter 702 (Definitions) and 713 (Water Quality) of the EAA Rules.**

*Mr. Marc Friberg, Executive Director - Regulatory & External Affairs, briefed the board regarding Proposed Rules amending Chapter 702 (Definitions) and 713 (Water Quality) of the EAA Rules.*

A motion was made by Director Stroka, seconded by Treasurer Ellis, the board approve Proposed Rules amending Chapters 702 (Definitions) and 713 (Water Quality), Subchapters B (General Provisions), F (Storage of Regulated Substances), and G (Aboveground and Underground Storage Tanks) and direct the General Manager to take all necessary legal steps to process the Proposed Rules. The motion passed viva voce.

[Attached and made a part of these minutes.]

- G.3**                      **Consider recommendation from the Research & Technology Committee to approve a contract with Mount Sopris Instruments Company Inc., for purchase of geophysical logging equipment and training, in an amount not to exceed \$134,705.**

*Mr. Jim Winterle, Modeler Manager, briefed the board regarding the contract between the EAA and Mount Sopris Instruments Company, Inc., for the purchase of geophysical logging equipment and training.*

**A motion was made by Vice-Chairman Hughes, seconded by Director Patterson, the board adopt Resolution and Order No. 09-16-851 of the Edwards Aquifer Authority Board of Directors approving Contract No. 16-814-AM between the EAA and Mount Sopris Instruments Company Inc., for purchase of geophysical logging equipment and training in an amount not to exceed \$134,705. The motion passed viva voce.**

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

- G.4**                      **Consider recommendation from the Research & Technology Committee to approve a joint funding agreement with the United States Geological Survey for data collection services, in an amount not to exceed \$483,105.**

*Mr. Schindel briefed the board regarding a Joint Funding Agreement between the EAA and the United States Geological Survey for data collection services.*

**A motion was made by Vice-Chairman Hughes, seconded by Director Patterson, the board adopt Resolution and Order No. 09-16-852 of the Edwards Aquifer Authority Board of Directors approving Joint Funding Agreement No. 16-813-AM between the EAA and the United States Geological Survey for data collection services in the total amount of \$483,105, of which the EAA contribution will not exceed \$333,990, for the period October 1, 2016, through September 30, 2017. The motion passed viva voce.**

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

- G.5** Consider recommendation from the Permits/Enforcement Committee to approve leases of permitted Edwards groundwater rights with Vernell Louise Burch and Laguna Water II, Ltd., for the Aquifer Storage and Recovery Project of the San Antonio Water System, in support of the Edwards Aquifer Habitat Conservation Plan, in the total amount of \$10,397,268.80.

*Mr. Rick Illgner, Special Assistant to the General Manager, briefed the board regarding leases of permitted Edwards groundwater rights from Vernell Louise Burch and Laguna Water II, Ltd.*

A motion was made by Secretary Valdivia, seconded by Director Stroka, the board adopt Resolution and Order No. 09-16-853 of the Edwards Aquifer Authority Board of Directors to approve leases of permitted Edwards groundwater rights from Vernell Louise Burch and Laguna Water II, Ltd., to the EAA for the Aquifer Storage and Recovery Project of the San Antonio Water System in support of the Edwards Aquifer Habitat Conservation Plan, and authorizing the General Manager to execute the leases. The motion passed viva voce.

[Attached and made a part of these minutes.]

- G.6** Consider recommendation from the Finance/Administrative Committee to authorize the General Manager to negotiate a contract with Padgett Stratemann & Co., LLP, to conduct the EAA's fiscal year 2016 audit.

*Mr. Felix Marquez, Executive Director - Administration & Financial Services, briefed the board regarding the the selection of Padgett Stratemann & Co. LLP, as the most qualified offeror, and negotiating a contract with Padgett Stratemann to conduct the EAA's fiscal year 2016 audit, with an option to renew for two additional years.*

A motion was made by Treasurer Ellis, seconded by Director Miller, the board approve the following ranked order listing of the three interviewed offerors:

1. Padgett Stratemann
2. Weaver
3. ABIP

The motion passed viva voce.

A motion was made by Treasurer Ellis, seconded by Director Miller, the board select Padgett Stratemann & Co. LLP, as the most qualified offeror, and authorize the General Manager to negotiate a contract with Padgett Stratemann to conduct the EAA's fiscal year 2016 audit, with an option to renew for two additional years. The motion passed viva voce.

- G.7** Consider EAA staff recommendation to approve a contract with Texas Municipal League-Intergovernmental Risk Pool for property and casualty, and workers' compensation insurance, in the amount of \$83,139.

*Mr. Marquez briefed the board regarding a contract with Texas Municipal League-Intergovernmental Risk Pool for property and casualty, and workers' compensation insurance, for the period October 1, 2016, through September 30, 2017, with an option to renew for three additional one-year periods.*

A motion was made by Treasurer Ellis, seconded by Director Stroka, the board approve a contract with Texas Municipal League-Intergovernmental Risk Pool for property and casualty, and workers' compensation insurance, in the amount of \$83,139 for the period October 1, 2016, through September 30, 2017, with an option to renew for three additional one-year periods, and authorize the General Manager to execute the contract. The motion passed viva voce.

- G.8** Consider EAA staff recommendation to: (1) accept the Certification of Candidates' Unopposed Status issued by Board Secretary Enrique P. Valdivia; (2) adopt Resolution and Order No. 09-16-854 of the Edwards Aquifer Authority Board of Directors declaring the unopposed candidates elected to office from single-member districts 2, 4, 6, 8, 10, 12, and 14 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 (1) accepting the Certification of Candidates' Unopposed Status issued by Board Secretary Enrique P. Valdivia; (2) adopting Resolution and Order No. 09-16-854 of the Edwards Aquifer Authority Board of Directors declaring the unopposed candidates elected to office from single-member districts 2, 4, 6, 8, 10, 12, and 14 within the boundaries of the EAA and cancelling those elections; and (3) directing the General Manager and General Counsel to take all appropriate actions in furtherance thereof as may be required by law.*

A motion was made by Vice-Chairman Hughes, seconded by Director Laffere, the board adopt Resolution and Order No. 09-16-854 of the Edwards Aquifer Authority Board of Directors to: (1) accept the Certification of Candidates' Unopposed Status issued by Board Secretary Enrique P. Valdivia; (2) adopt Resolution and Order No. 09-16-854 of the Edwards Aquifer Authority Board of Directors declaring the unopposed candidates elected to office from single-member districts 2, 4, 6, 8, 10, 12, and 14 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 viva voce.

[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:

**I.1 Closed Session.****1. Consultation with Attorney - Pending Litigation (§ 551.071)****Active Litigation:**

*League of United Latin Am. Citizens v. Edwards Aquifer Auth.*  
(W.D. Tex. filed June 21, 2012)

*In re Jaffe*, No. 16-50355 (W.D. Tex. filed Feb. 12, 2016)

**Active Litigation - Enforcement:**

*Edwards Aquifer Auth. v. Barnard* (274th Hays Cnty. filed Oct. 6, 2010)

- 2. Consultation with Attorney - Attorney/Client Privileged Consultations (§ 551.071)**
- 3. Consultation with Attorney - Settlement Offers (§ 551.071)**
- 4. Consultation with Attorney (§ 551.071)**
- 5. Deliberations Regarding Real Property (§ 551.072)**
- 6. Deliberations Regarding Personnel Matters (§ 551.074)**

*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 agenda items.*



**L. Adjournment.**

*There being no further business to discuss, the meeting adjourned at 3:38 p.m.*

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*Enrique P. Valdivia*  
*Secretary, Board of Directors*

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