



Edwards Aquifer Authority

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

Meeting Minutes - Draft

Board of Directors

Tuesday, October 10, 2017

3:00 PM

EAA Board Room

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

Chairman Buckner called the meeting to order at 3:20 p.m.

Present: 11 - Chairman Luana Buckner, Director Deborah Carington, Treasurer Ron Ellis, Director Kathleen Krueger, Director Don Laffere, Director Gary Middleton, Director Byron Miller, Director Carol Patterson, Director Ron Walton, Director Clark Ward and Director Scott Yanta

Absent: 6 - Director Amy Akers, Director Rebekah Bustamante, Director Rader Gilleland, Director Pat Stroka, Secretary Enrique Valdivia and Vice Chairman Ben Youngblood

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
- Aquifer Conditions

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

- *Ms. Luann White was hired as Information Technology Project Supervisor.*
- *Ms. Olivia Ybarra was hired as Habitat Conservation Coordinator.*
- *Mr. Nathan Pence, Executive Director - Threatened and Endangered Species, completed five years of service with the EAA.*
- *Directors received a copy of the governance letter from RSM US LLP, the EAA's outside audit firm that would be conducting the year-end 2017 audit. This correspondence was required communication that speaks to the public auditing process and expected timeline and was required communication for all public audits.*
- *Minority Enterprise Development, or MED Week, began Monday, October 9 through Friday, October 13. The EAA was one of the sponsors for this event and seats were available for the annual awards luncheon to be held on Thursday, October 12 at the Norris Conference Center at 11:30 a.m.*
- *The EAA was one of the sponsors for the annual NAACP Freedom Dinner on Friday, October 27 at 7:00 p.m. at the University of the Incarnate Word, Rosenberg Sky Room, and has a table for this dinner. Directors received a flyer with additional information for this event.*
- *The EAA was co-sponsoring Water Forum VIII scheduled for Monday, November 6, 2017 from 11:00 a.m. to 1:00 p.m. at the Witte Museum Mays Family Center, 3801 Broadway Street. Sponsorship would include one prime-location table for 10, one exhibit space, and two admissions to the pre-event VIP experience.*
- *This year's Water Forum coincides with the Executive Committee meeting scheduled for November 6 so the start time for this meeting would be adjusted so that directors would be able to attend the Water Forum.*
- *The aquifer conditions update would have a new format starting in October. This format would provide an abbreviated version of index-well levels and springflow estimates, followed by a short information piece that would speak to an Edwards Aquifer related finding or issue. While the aquifer conditions component would be provided monthly, the follow-up discussion would be aimed at sharing information relative to aquifer behavior. Mr. Steve Johnson, Director - Aquifer Science, briefed the board on how the recent rainfall event impacted water levels across the region and what this type of data tells us about the aquifer.*

D. Treasurer's Report**D.1**

Receive report from EAA staff on unaudited financial statements for August 2017.

Treasurer Ellis presented the unaudited financial statements for August 2017.

E. Board Reports

F. Consent Agenda

- F.1 Approval of previous board meeting minutes**
- Regular Board Meeting - September 12, 2017
 - Special Board Meeting - September 22, 2017

Approval of previous board meeting minutes

- Regular Board Meeting - September 12, 2017
- Special Board Meeting - September 22, 2017

- F.2 Consider EAA staff recommendation to approve a conversion of base irrigation groundwater owned by Meritage Homes of Texas, LLC, an Arizona limited liability company, based on a change in land use.**

Adopt a Final Order Granting Application to Convert Base Irrigation Groundwater for Initial Regular Permit No. P108-488 based on changes in land use submitted by Meritage Homes of Texas, LLC.

[Attached and made a part of these minutes.]

- F.3 Consider EAA staff recommendation to consider payment to Kemp Smith for legal services for August 2017.**

Approve payment to Kemp Smith in the amount of \$44,155.39, for legal services for August 2017.

- F.4 Consider EAA staff recommendation 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. 10-17-883 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.5 Consider EAA staff recommendation to amend Article IX of the Bylaws of the Edwards Aquifer Authority pertaining to the EAA Investment Policy and Investment Strategy.**

Adopt Resolution and Order No. 10-17-884 of the Edwards Aquifer Authority Board of Directors amending Article IX of the EAA Bylaws pertaining to the EAA Investment Policy and Investment Strategy.

[Attached and made a part of these minutes.]

- F.6 Consider EAA staff recommendation to approve a contract with the Texas Municipal League-Intergovernmental Risk Pool for property and casualty, and workers' compensation insurance, in the amount of \$86,774.**

Approve contract with the Texas Municipal League-Intergovernmental Risk Pool for property and casualty, and workers' compensation insurance, in the amount of \$86,774 for the period October 1, 2017, through September 30, 2018, and authorize the General Manager to execute the contract.

A motion was made by Director Laffere, seconded by Treasurer Ellis, the board approve the consent agenda. The motion passed viva voce.

G. Individual Consideration

- G.1 Consider recommendation from the Executive Committee to approve a contract with TestAmerica Laboratories, Inc., for analytical laboratory services, in an amount not to exceed \$210,000.**

A motion was made by Director Patterson, seconded by Treasurer Ellis, the board adopt Resolution and Order No. 10-17-885 of the Edwards Aquifer Authority Board of Directors approving Contract No. 17-869-AM between the EAA and TestAmerica Laboratories, Inc., for analytical laboratory services, in an amount not to exceed \$210,000, for the period January 1, 2018, through December 30, 2018, with options to renew for four additional years. The motion passed viva voce.

[Attached and made a part of these minutes.]

- G.2 Consider recommendation from the Finance/Administrative Committee to approve a contract with Gonzalez Maintenance Construction for the purchase and installation of perimeter fencing and security gates for the EAA main office facility, in an amount not to exceed \$134,600.**

A motion was made by Treasurer Ellis, seconded by Director Laffere, the board adopt Resolution and Order No. 10-17-886 of the Edwards Aquifer Authority Board of Directors approving a contract between the EAA and Gonzalez Maintenance Construction for the purchase and installation of perimeter fencing and security gates, in an amount not to exceed \$134,600. The motion passed viva voce.

[Attached and made a part of these minutes.]

- G.3** **Consider recommendation from the Finance/Administrative Committee to approve an amendment to the 2017 EAA Operating Budget, increasing the appropriation for the purchase and installation of perimeter fencing and security gates for the EAA main office facility, in the amount of \$134,600.**

A motion was made by Treasurer Ellis, seconded by Director Patterson, the board approve an amendment to the 2017 EAA Operating Budget, increasing the appropriation for the purchase and installation of perimeter fencing and security gates for the EAA main office facility, in the amount of \$134,600. The motion passed viva voce.

[Attached and made a part of these minutes.]

- G.4** **Consider recommendation from the Finance/Administrative Committee to authorize staff to hold public meetings on the 2017 proposed budget and associated aquifer management fee rates.**

A motion was made by Treasurer Ellis, seconded by Director Miller, the board authorize staff to hold public meetings to receive comment on the EAA 2018 proposed budget and associated aquifer management fee rates. The motion passed viva voce.

- G.5** **Consider EAA board proclamation in memory of Alvin Maurice Rimkus.**

Chairman Buckner briefed the board regarding the proclamation in memory of Alvin Maurice Rimkus, who passed away September 18, 2017.

A motion was made by Director Laffere, seconded by Director Patterson, the board adopt the proclamation in memory of Alvin Maurice Rimkus, as presented. The motion passed viva voce.

[Attached and made a part of these minutes.]

H. Staff Reports

- H.1** **Receive report from EAA staff regarding legislative planning.**

Mr. Marc Friberg, Executive Director - External & Regulatory Affairs, briefed the board regarding plans related to legislative activities, and a follow-up discussion to the items mentioned at the September EAA Board of Directors Work Session.

This staff report was presented.

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:

The board did not meet in closed session.

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)

Active Litigation - Enforcement:

Edwards Aquifer Auth. v. Barnard (274th Hays Cty. 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)**

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 3:54 p.m.

*Enrique P. Valdivia
Secretary, Board of Directors*

*Jennifer Wong-Esparza
Assistant to Board Secretary*