



Edwards Aquifer Authority

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

Meeting Minutes - Draft

Board of Directors

Tuesday, March 13, 2018

3:00 PM

EAA Board Room

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

Chairman Buckner called the meeting to order at 3:48 p.m.

Present: 15 - Chairman Luana Buckner, Director Deborah Carington, Treasurer Ron Ellis, Director Rader Gilleland, Director Kathleen Krueger, Director Don Laffere, Director Gary Middleton, Director Byron Miller, Director Carol Patterson, Director Pat Stroka, Secretary Enrique Valdivia, Director Ron Walton, Director Clark Ward, Director Scott Yanta and Vice Chairman Ben Youngblood

Absent: 1 - Director Amy Akers

B. Administer Oath of Office.

Chairman Buckner administered the oath of office to Ms. Susan Kutscher Hughes, new Director District 3.

C. Public comment.

There were no citizens who requested to address the board.

D. General Manager's announcements and reports.

D.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. Elizabeth Posada was hired as Benefits Coordinator for the Human Resources Department.*
- *Included in directors' folders were two annual reports that were presented to the Finance/Administrative Committee at the February 27 meeting. The annual Staff Diversity Report identified the recruitment and retention efforts by EAA during calendar year 2017. This report also highlighted trends and strategic initiatives EAA would undertake to ensure continuity of the institutional knowledge within staff. Of note in this report was that approximately one-third of EAA staff have less than five years of service with the organization, while another one-third have 15 years of service or more. This situation speaks to the immediate need to further enhance recruitment, retention, and succession strategies to ensure the legacy of the EAA mission and programs. The M/WBE Annual report discussed the minority vendor participation through calendar year 2017. For 2017, 20.3% of the dollars for all vendors went to M/WBE owned businesses. When the contracting opportunities that were not competitively bid were extrapolated, or for which there was only one vendor, the participation of M/WBE vendors increased to 45.4% for 2017.*
- *A Big Give BBQ was scheduled for Thursday, March 22 from 11 a.m. - 2 p.m. Food vendor, MO-BQ, would set up at the empty lot across the street on St. Mary's Street with a full menu of BBQ favorites and sides. 10% of the proceeds would be donated to the Edwards Aquifer Conservancy. A fiesta medal would also be given to donors who contribute a \$10 donation to the EAC.*
- *Director Pat Stroka presented pictures of the clean-up of the San Marcos River.*
- *Mr. Paul Bertetti, Research Manager, briefed the board regarding aquifer conditions.*

E. Treasurer's Report**E.1**

Receive report from EAA staff on unaudited financial statements for January 2018.

Treasurer Ellis presented the unaudited financial statements for January 2018.

F. Board Reports**G. Consent Agenda****G.1**

Approval of previous board meeting minutes

- **Regular Board Meeting - February 13, 2018**

Approval of previous board meeting minutes

- *Regular Board Meeting - February 13, 2018*

- G.2 Consider recommendation from the Finance/Administrative Committee to approve payment to Kemp Smith for legal services for January 2018.**

Approve payment to Kemp Smith in the amount of \$69,706.67, for legal services for January 2018.

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

H. Individual Consideration

- H.1 Consider recommendation from the Aquifer Management Planning Committee to amend the interlocal contract between the Edwards Aquifer Authority and the San Antonio Water System for the use of the Twin Oaks Aquifer Storage and Recovery Project for Contribution to Springflow Protection in support of the Edwards Aquifer Habitat Conservation Plan.**

A motion was made by Director Stroka, seconded by Director Patterson, the board adopt Resolution and Order No. 03-18-898 of the Edwards Aquifer Authority Board of Directors approving Amendment No. 1 to the interlocal contract between the Edwards Aquifer Authority and the San Antonio Water System for the use of the Twin Oaks Aquifer Storage and Recovery Project for contribution to springflow protection in support of the Edwards Aquifer Habitat Conservation Plan contingent upon approval of the SAWS ASR Adaptive Management Process by the United States Fish and Wildlife Service. The motion passed viva voce.

[Attached and made a part of these minutes.]

- H.2 Consider recommendation from the Permits/Enforcement Committee to approve a conversion of base irrigation groundwater owned by LGI Homes - Texas LLC, based on a change in land use.**

A motion was made by Secretary Valdivia, seconded by Director Stroka, the board adopt a Final Order Granting Application to Convert Base Irrigation Groundwater for Initial Regular Permit No. P100-155 (BE00056) based on changes in land use submitted by LGI Homes - Texas LLC. The motion passed viva voce. Director Laffere voted in opposition to the motion.

[Attached and made a part of these minutes.]

- H.3 Consider recommendation from the Finance/Administrative Committee to approve an amended Edwards Aquifer Habitat Conservation Plan Program FY2018 Funding Application of the Edwards Aquifer Authority in the amount not to exceed \$21,199,871.**

A motion was made by Treasurer Ellis, seconded by Director Laffere, the board adopt Resolution and Order No. 03-18-899 of the Edwards Aquifer Authority Board of Directors approving an amendment to the Edwards Aquifer Habitat Conservation Plan (EAHCP) FY2018 Funding Application of the Edwards Aquifer Authority increasing the funding request from \$17,680,444 to \$21,199,871, for the purpose of utilizing unspent money from FY2017 to complete the construction of the EAHCP Refugia and Quarantine buildings at the U.S. Fish and Wildlife Service San Marcos Aquatic Resources Center and the Uvalde National Fish Hatchery. The motion passed viva voce.

[Attached and made a part of these minutes.]

- H.4 Consider recommendation from the Finance/Administrative Committee to approve an amendment to the 2018 EAA Operating Budget, increasing the appropriation for the purchase and installation of fencing for the EAA offices, in the amount of \$90,600; and to approve an amendment to the 2018 EAHCP Operating Budget by increasing the Refugia Budget by \$3,519,427 to complete construction of the EAHCP Refugia and Quarantine Buildings.**

A motion was made by Treasurer Ellis, seconded by Secretary Valdivia, the board amend the 2018 EAA Operating Budget, increasing the appropriation for the purchase and installation of fencing for the EAA offices, in the amount of \$ 90,600; and the board approve amendments to the 2018 EAHCP Operating Budget by \$3,519,427 to complete the construction of the EAHCP Refugia and Quarantine buildings at the U.S. Fish and Wildlife Services (USFWS) San Marcos Aquatic Resources Center and the Uvalde National Fish Hatchery increasing the total EAHCP Program Funding from \$19,052,027 to \$22,571,454. The motion passed viva voce.

I. Staff Reports

J. 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 Buckner closed the meeting to the public at 4:05 p.m.

J.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)

Uvalde Cty. UWCD. v. Edwards Aquifer Auth. (38th Uvalde Cty. filed Jan. 16, 2018)

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)

Chairman Buckner reopened the meeting to the public at 5:20 p.m.

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

The board did not consider any recommendations.

K.1

Consider authorization of payments to Lloyd Gosselink Rochelle & Townsend, P.C. for attorney's fees and costs related to the representation of Director Don Laffere in his official capacity in *Uvalde County Underground Water Conservation District v. Edwards Aquifer Authority*, No. 2018-01-31972-CV.

A motion was made by Secretary Valdivia, seconded by Director Patterson, the Board authorize EAA staff to receive and process for payment invoices from Lloyd Gosselink Rochelle & Townsend, P.C. at a rate not to exceed \$250 per hour for the representation of Director Don Laffere in his official capacity in *Uvalde County Underground Water Conservation District v. Edwards Aquifer Authority*, No. 2018-01-31972-CV. The motion passed viva voce.

- K.2** Consider recommendation from the Executive Committee to approve the Rule 11 approach discussed with counsel in closed session relative to the following suit: Uvalde Cty. Underground Water Conservation Dist. v. EAA, No. 2018-01-31972-CV (238th Dist. Ct., Uvalde Cty., Tex. Jan. 16, 2018).

A motion was made by Vice-Chairman Youngblood, seconded by Treasurer Ellis, the board approve the Rule 11 approach discussed with counsel in closed session relative to the following suit: Uvalde Cty. Underground Water Conservation Dist. v. EAA, No. 2018-01-31972-CV (238th Dist. Ct., Uvalde Cty., Tex. Jan. 16, 2018). The motion passed viva voce.

- L. Discuss items for future board meeting agendas.**

The board did not discuss future board meeting agenda items.

- M. Adjournment.**

There being no further business to discuss, the meeting adjourned at 5:21 p.m.

Enrique P. Valdivia
Secretary, Board of Directors

Jennifer Wong-Esparza
Assistant to Board Secretary