



Edwards Aquifer Authority

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

Meeting Minutes - Draft

Board of Directors

Tuesday, March 12, 2019

3:00 PM

EAA Board Room

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

Chairman Buckner called the meeting to order at 3:08 p.m.

Present: 15 - 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 Abe Salinas, Director Rachel Sanborn, Director Pat Stroka, Secretary Enrique Valdivia, Director Clark Ward, Director Scott Yanta and Vice Chairman Ben Youngblood

Absent: 2 - Director Rader Gilleland and Director Ron Walton

B. Public comment.

Dr. Terry Burns, Chair - Alamo Sierra Club, addressed the board regarding climate change and the City of San Antonio's draft climate action and adaptation plan. He noted that comments on the plan were due by March 26, and that the San Antonio City Council might vote on the plan in May.

Mr. Blaine Schorp, Chairman - South Texas Weather Modification Association (STWMA), addressed the board regarding weather modification project updates. He noted that the STWMA was now renting a hangar at the Uvalde Flight Center at the Garner Field Airport. A full-time pilot was hired and lives in Uvalde. It was brought to their attention that the Edwards Aquifer drainage area should be encompassed in the target area, and that further dialogue and coordination would need to take place to consider and identify those areas. Ionization technology for rainfall stimulation and enhancement has recently evolved and the STWMA would continue to remain on the cutting edge of all new technology and applications. STWMA has reached out to Sen. Pete Flores for future state support and feedback for the industry.

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. Brock Curry, Deputy General Manager, made the following announcements:

- HCP staff finalized a draft of the Phase II workplan. The workplan directs the HCP team on what they would be doing for the second phase of the ITP (2020-2028). The workplan would be considered for approval at the May Implementing Committee meeting. The workplan effectively would be carrying forward what has been conducted successfully from Phase I into Phase II with no changes.
- Dr. Annette Summers Engel would be the next Distinguished Lecturer on Friday, May 3. Dr. Engel is the Donald H. Jones Professor of Aqueous Geochemistry at the University of Tennessee in the Department of Earth and Planetary Sciences. She would speak on carbon in karst; subterranean fauna; case studies from aquifers, karst, and lava tubes; and professional ethics of explorers as educators and scientists.
- The EAA's Business Network Mixer would be Wednesday, March 20 at the San Antonio Zoo at 5:30 p.m. This event was part of the EAA's Inclusion Initiative.
- The Annual Board Dinner has been scheduled for Thursday, May 2.
- Staff has been tentatively looking at Thursday, April 18 for a ceremonial opening and tour of the refugia at SMARC. Once confirmed, staff would provide details on arrangements.
- The Executive Committee meeting in May would be on Tuesday, May 7.
- Mr. Paul Bertetti, Director of Aquifer Science, briefed the board on current aquifer conditions.

D. Treasurer's Report**D.1 Receive report from EAA staff on unaudited financial statements for January 2019.**

Treasurer Ellis presented the unaudited financial statements for January 2019.

E. Board Reports**E.1 Receive report from Director Gary Middleton, South Central Texas Water Advisory Committee (SCTWAC) representative to the board, regarding downstream water conditions of the Guadalupe River Basin and current activities and issues of interest to SCTWAC.**

Director Gary Middleton, South Central Texas Water Advisory Committee (SCTWAC) representative to the board, briefed the board regarding downstream water conditions, and noted that there have not been any significant flood events and have only had light rain every week over the last six months. He also noted that saturation was such that a few farmers have been able to do a little planting, and that the river was doing well.

F. Consent Agenda**F.1 Approval of previous board meeting minutes
- Regular Board Meeting - February 12, 2019**

*Approval of previous board meeting minutes
- Regular Board Meeting - February 12, 2019*

F.2 Consider recommendation from the Finance/Administrative Committee to approve payment to Kemp Smith for legal services for January 2019.

Approve payment to Kemp Smith in the amount of \$78,856.97, for legal services for January 2019.

F.3 Consider recommendation from the Permits/Enforcement Committee to approve an application to convert base irrigation groundwater owned by Lennar Homes of Texas Land and Construction, Ltd., based on a change in land use.

Adopt a Final Order Granting Application to Convert Base Irrigation Groundwater for Regular Permit No. P100-514 (BE00217) based on a change in land use submitted by Lennar Homes of Texas Land and Construction, Ltd.

[Attached and made a part of these minutes.]

F.4 Consider recommendation from the Permits/Enforcement Committee to approve Agricultural Secondary Containment Assistance Program Agreements with A&S Ranch, Ltd., Annandale Ranch Partnership dba Blanco Farms; New Tracks Ranch; Deep Spring Ranch, Ltd., dba Dripstone Ranch; Weldon Gilleland and wife, Judie M. Gilleland; George E. Ligocky; and Shirley Seewald.

Approve Agricultural Secondary Containment Assistance Program Agreements with A&S Ranch, Ltd., Annandale Ranch Partnership dba Blanco Farms; New Tracks Ranch; Deep Spring Ranch, Ltd., dba Dripstone Ranch; Weldon Gilleland and wife, Judie M. Gilleland; George E. Ligocky; and Shirley Seewald, and authorize the General Manager to execute the agreements.

Treasurer Ellis moved, and Vice-Chairman Youngblood seconded, to approve the consent agenda. The motion passed viva voce.

G. Individual Consideration

- G.1 Consider recommendation from EAA staff to approve resolutions and orders associated with certain ASR springflow protection program forbearance agreements approved during calendar year 2018.**

A motion was made by Secretary Valdivia, seconded by Director Laffere, the board adopt Resolution and Order No. 03-19-928 of the Edwards Aquifer Authority Board of Directors to ratify approval of springflow protection program forbearance agreements approved during the September, October, and November meetings of the Edwards Aquifer Authority Board of Directors in 2018. The motion passed viva voce.

[Attached and made a part of these minutes.]

- G.2 Consider recommendation from EAA staff to approve resolutions and orders associated with certain Voluntary Irrigation Suspension Program Option (VISPO) forbearance agreements previously approved in calendar year 2018.**

A motion was made by Director Stroka, seconded by Treasurer Ellis, the board adopt Resolution and Order No. 03-19-929 of the Edwards Aquifer Authority Board of Directors to ratify approval of Voluntary Irrigation Suspension Program Option (VISPO) forbearance agreements approved during the September, October, and November meetings of the Edwards Aquifer Authority Board of Directors in 2018. The motion passed viva voce.

[Attached and made a part of these minutes.]

- G.3 Consider recommendation from the Permits/Enforcement Committee to authorize the General Manager to refer to General Counsel for violations of EAA rules and authorize General Counsel to file a civil suit, if necessary, against Lhoist North America - New Braunfels Plant; and Martin Marietta Materials Southwest, Inc. - O'Connor Ready Mix.**

A motion was made by Secretary Valdivia, seconded by Director Laffere, to table this agenda item. The motion passed viva voce.

- G.4** Consider recommendation from EAA staff to approve an application to convert base irrigation groundwater owned by Jack D. Wardlaw, III Jr., Jessie L. Wardlaw, Mack M. Wardlaw, & William C. Wardlaw, based on the installation of conservation equipment.

Mr. Omar Garcia, Permits Supervisor, briefed the board regarding an application to convert base irrigation groundwater owned by Jack D. Wardlaw, III Jr., Jessie L. Wardlaw, Mack M. Wardlaw, & William C. Wardlaw, based on the installation of conservation equipment.

A motion was made by Secretary Valdivia, seconded by Director Patterson, the board adopt a Final Order Granting Application to Convert Base Irrigation Groundwater for Regular Permit No. P101-788 (UV00475) based on the installation of conservation equipment submitted by Jack D. Wardlaw, Jr., Jessie L. Wardlaw, Jack D. Wardlaw, III, Mack M. Wardlaw, & William C. Wardlaw. The motion passed viva voce.

[Attached and made a part of these minutes.]

- G.5** Consider recommendation from EAA staff to approve Groundwater Trust Transfer Contracts with Bexar County WCID No. 10, Word Constructors, LLC, and Los Patios.

Mr. Chuck Ahrens, Water Resources Manager, briefed the board regarding approving Groundwater Trust Transfer Contracts with Bexar County WCID No. 10, Word Constructors, LLC, and Los Patios.

A motion was made by Director Stroka, seconded by Director Laffere, the board authorize the General Manager to enter into Groundwater Trust Transfer Contracts with Bexar County WCID No. 10 (380 acre-feet), Word Constructors, LLC (602 acre-feet) and Los Patios (60 acre-feet) for a total trust enrollment of 1,042 acre-feet associated with Permit Nos. P107-697, P100-830, and P100-591, respectively. The motion passed viva voce.

- G.6** Consider recommendation from EAA staff to consider amendments to the Edwards Aquifer Conservancy Bylaws to approve the creation of an advisory board.

Mr. Michael De La Garza, Senior Director - Communications & Development, briefed the board regarding amendments to the Edwards Aquifer Conservancy Bylaws to approve the creation of an advisory board.

A motion was made by Treasurer Ellis, seconded by Director Laffere, the Board adopt Resolution and Order No. 03-19-930 approving amendments to the Bylaws of the Edwards Aquifer Conservancy authorizing the creation of an Advisory Board. 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:

Chairman Buckner closed the meeting to the public at 3:36 p.m.

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

League of United Latin Am. Citizens v. Edwards Aquifer Auth. (5th Cir. Aug. 9, 2018)

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

Gibson v. Edwards Aquifer Auth. (37th Dist. Ct., Bexar Cty., Tex. transferred Sept. 6, 2018)

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 3:53 p.m.

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

A motion was made by Vice-Chairman Youngblood, seconded by Director Laffere, the board authorize the General Manager to enter into a settlement agreement with Shaun David Gibson settling the pending civil lawsuit styled Shaun David Gibson v. Edwards Aquifer Auth., No. 2018CVB0340 (Co. Ct. at Law No. 2, Comal Cty., Tex. filed June 1, 2018), as discussed and outlined by counsel in closed session, and to authorize counsel to take all steps necessary to settle, resolve, and dismiss such action. The motion passed viva voce. Director Krueger and Director Stroka voted in opposition to the motion.

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 3:55 p.m.

*Enrique P. Valdivia
Secretary, Board of Directors*

*Jennifer Wong-Esparza
Assistant to Board Secretary*