



# Edwards Aquifer Authority

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

## Meeting Minutes - Draft

### Board of Directors

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Tuesday, November 12, 2019

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 3:08 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 Rachel Sanborn, Director Pat Stroka, Secretary Enrique Valdivia, Director Ron Walton, Director Scott Yanta and Vice Chairman Ben Youngblood

**Absent:** 2 - Director Abe Salinas and Director Clark Ward

#### 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:*

- *Staff embarked on the inaugural "EAA Business Recharge Bootcamp" with the goal of providing tools, such as technical assistance and educational classes to small businesses, but also to build relationships and partnerships in the community to help these businesses thrive and grow. We were pleased to have awarded graduation certificates to nine businesses at the final Bootcamp session on November 5.*
- *The vote on the transfer of ownership of the Parman tracts to the Edwards Aquifer Conservancy would be on the City Council agenda for November 14, at 9:00 a.m. at City Hall.*
- *Directors received a copy of a memorandum from Kemp Smith regarding monitored litigation.*
- *The EAA was served as a defendant in a lawsuit styled Cano Investments v. Edwards Aquifer Authority, Mardoche Abdelhak and Zalman Resources, Inc.*
- *Directors received a copy of the letter to Southwest Sustainable Water Supply from Chairman Buckner regarding the proposed project.*
- *A food truck specializing in enchiladas would be parked at the EAA on November 13. Lunch tickets were being sold for \$10 by the Communications & Development Department and all proceeds would benefit the Edwards Aquifer Conservancy.*
- *Directors received a Save the Date postcard for the EAA Holiday Party on December 10 at 5:30 p.m.*
- *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 the unaudited financial statements for September 2019.**

*Treasurer Ellis presented the unaudited financial statements for September 2019.*

**E. Board Reports****F. Consent Agenda****F.1 Approval of previous board meeting minutes**

- **Regular Board Meeting - October 8, 2019**

*Approval of previous board meeting minutes*

- **Regular Board Meeting - October 8, 2019**

- F.3 Consider recommendation from the Finance/Administrative Committee to reapprove Article IX of the Bylaws of the Edwards Aquifer Authority pertaining to the EAA Investment Policy and Investment Strategy.**

*Adopt Resolution and Order No. 11-19-949 of the Edwards Aquifer Authority Board of Directors reapproving Article IX of the EAA Bylaws pertaining to the EAA Investment Policy and Investment Strategy.*

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

- F.4 Consider recommendation from the Finance/Administrative Committee to approve payment to Kemp Smith for legal services for September 2019.**

*Approve payment to Kemp Smith in the amount of \$54,152.38, for legal services for September 2019.*

- F.5 Consider recommendation from the Finance/Administrative Committee to approve a contract with the Texas Municipal League-Intergovernmental Risk Pool for property and casualty, and workers' compensation insurance, in the amount of \$99,776, for the period October 1, 2019, through September 30, 2020.**

*Approve a contract with the Texas Municipal League-Intergovernmental Risk Pool for property and casualty, and workers' compensation insurance, in the amount of \$99,776, for the period October 1, 2019, through September 30, 2020, and authorize the General Manager to execute the contract.*

**A motion was made by Director Laffere, seconded by Director Patterson, the board approve the consent agenda without agenda item F.2, which is to be considered individually on the board agenda. The motion passed viva voce.**

## **G. Individual Consideration**

**F.2 Consider recommendation from the Executive Committee to approve an application to convert base irrigation groundwater owned by Louis E. Capt, based on a change in land use.**

*This item was considered out of order on the agenda and considered individually with the items for individual consideration.*

*Mr. Marc Friberg, Executive Director - External & Regulatory Affairs, provided the board with background information regarding the application to convert base irrigation groundwater owned by Louis E. Capt, based on a change in land use.*

*Mr. Omar Garcia, Permits Supervisor, briefed the board regarding a map of the property and well for the conversion application.*

**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 Regular Permit No. P102-101 (UV00606) based on a change in land use submitted by Louis E. Capt. The motion passed viva voce. Director Laffere voted in opposition to the motion.**

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

**G.1 Consider recommendation from EAA staff to authorize the General Manager to execute Voluntary Irrigation Suspension Program Option and ASR springflow protection program forbearance agreements through December 31, 2019.**

*Mr. Ruiz briefed the board regarding authorizing the General Manager to execute VISPO and ASR springflow protection program forbearance agreements and related matters that otherwise would not have an opportunity to come before the EAA Board of Directors before the end of 2019.*

**A motion was made by Secretary Valdivia, seconded by Director Stroka, the board authorize the General Manager to execute all VISPO and ASR springflow protection program forbearance agreements, including any administrative matters necessary to facilitate execution, through December 31, 2019, with the condition that all executed matters be brought before the EAA Board of Directors for ratification at the first regularly scheduled meeting of EAA Board of Directors in 2020. The motion passed viva voce.**

**G.2 Consider recommendation from the Executive Committee regarding the selection of most qualified offeror for legislative consulting services.**

**A motion was made by Director Patterson, seconded by Vice-Chairman Youngblood, the board direct the Chairman of the Board to negotiate a contract for legislative services with Carriage House Partners, LLC. The motion passed viva voce.**

- G.3 Consider recommendation from the Research & Technology Committee to approve a contract renewal and extension 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 Vice-Chairman Youngblood, the board adopt Resolution and Order No. 11-19-950 of the Edwards Aquifer Authority Board of Directors approving a one-year renewal and extension of 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, 2020, through December 31, 2020. 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 U.S. Geological Survey, for geological mapping, in an amount not to exceed \$760,400.**

*Mr. Bertetti briefed the board regarding approving a Joint Funding Agreement (JFA) with the U.S. Geological Survey (USGS) for hydrostratigraphic mapping.*

A motion was made by Director Patterson, seconded by Director Yanta, the board adopt Resolution and Order No. 11-19-951 of the Edwards Aquifer Authority Board of Directors approving Joint Funding Agreement No. 19-958-AMS between the EAA and U.S. Geological Survey, for Phase 4 hydrostratigraphic mapping, in an amount not to exceed \$760,400, of which the EAA contribution will not exceed \$640,400, for the period November 13, 2019 through December 31, 2023. The motion passed viva voce.

[Attached and made a part of these minutes.]

- G.5 Consider recommendation from the Finance/Administrative Committee to approve the Edwards Aquifer Habitat Conservation Plan FY2020 Funding Applications submitted by the Edwards Aquifer Authority (\$12,929,620), the City of New Braunfels (\$583,000), and the City of San Marcos/Texas State University (\$571,000).**

A motion was made by Treasurer Ellis, seconded by Secretary Valdivia, the board adopt Resolution and Order No. 11-19-952 of the Edwards Aquifer Authority Board of Directors approving the Edwards Aquifer Habitat Conservation Plan FY2020 Program Funding Applications submitted by the Edwards Aquifer Authority, in an amount not to exceed \$12,929,620; the City of New Braunfels, in an amount not to exceed \$583,000; and the City of San Marcos/Texas State University, in an amount not to exceed \$571,000, for the purpose of implementing the Conservation Measures and Program Activities as required by the EAHCP, for the period January 1, 2020 through December 31, 2020. The motion passed viva voce.

[Attached and made a part of these minutes.]

- G.6 Consider recommendation from the Finance/Administrative Committee to adopt the annual operating budget for fiscal year 2020 and assessing aquifer management fee and program aquifer management fee rates for 2020.**

A motion was made by Treasurer Ellis, seconded by Director Yanta, the board adopt Resolution and Order No. 11-19-953 of the Edwards Aquifer Authority Board of Directors adopting the annual operating budget for fiscal year 2020, as amended, and assessing the aquifer management fee and program aquifer management fee rates for 2020, as follows:

Non-agricultural management fee (General Fund) -- \$50 per acre-foot  
Agricultural aquifer management fee (General Fund) -- \$2 per acre-foot  
Non-agricultural program aquifer management fee (EAHCP Fund) -- \$34 per acre-foot

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:

*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.* (5th Cir. decided Aug. 28, 2019)

*Gonzales v. Mendez* (285th Bexar Cty. filed Sept. 20, 2018; EAA intervened May 8, 2019)

*Cano Invs. v. Edwards Aquifer Auth.* (285th Bexar Cty. filed Oct. 24, 2019)

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)

**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 3:54 p.m.*

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

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