



# Edwards Aquifer Authority

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

## Meeting Minutes - Draft

### Board of Directors

---

Tuesday, July 14, 2020

3:00 PM

Via Teleconference

---

#### A. Call to Order – Roll Call.

*Chairman Buckner called the meeting to order at 3:05 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, Secretary Enrique Valdivia, Director Ron Walton, Director Clark Ward, Director Scott Yanta and Vice Chairman Ben Youngblood

**Absent:** 2 - Director Rader Gilleland and Director Pat Stroka

#### 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.)
- 2020 EAA Board Work Session
- EAPP Education
- Recent Activities of the Edwards Aquifer Habitat Conservation Program
- Aquifer Conditions

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

- *Mr. Jim Boenig, Director - Aquifer Protection, completed five years of service with the EAA.*
- *The EAA declared Stage I of the critical period management plan for the San Antonio Pool on July 9.*
- *Due to current health concerns and restrictions on large gatherings, staff would be hosting a Well Owner's Workshop live and online via a Zoom meeting format on Wednesday, July 29 at 9:00 a.m.*
- *The fate of the annual board of directors strategic planning session remained uncertain. The two-day session was previously scheduled for September, but given the uncertainties created by the pandemic, staff tentatively moved the date to October 23-24.*
- *At the meeting of the Edwards Aquifer Conservancy Board, the question was raised as to what role, if any, could the EAC play in publicly supporting and/or advocating for the Edwards Aquifer Protection Program. Mr. Mike De La Garza, Senior Director - Communications & Development, presented a summary of what staff has done as an agency in educating the public about the merits of the EAPP as an aquifer protection tool, and what could still be done in this regard.*
- *In May, consultants from the group ICF provided an overview on the various options available to the EAA in considering what approach to take in pursuit of a renewal and extension of the current Habitat Conservation Plan. Mr. Scott Storment, Senior Director - HCP, provided a brief update on that process.*
- *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 May 2020.**

*The board did not have any questions regarding the unaudited financial statements for May 2020.*

**E. Board Reports****E.1 Receive report from EAA staff on current and planned modeling efforts to support the renewal of the EAHCP Incidental Take Permit in 2028.**

*Mr. Mark Hamilton, Executive Director - Aquifer Management Services, introduced this item to the board.*

*Mr. Jim Winterle, Modeler Manager, briefed the board regarding recent accomplishments as well as current and planned modeling efforts to support the renewal of the EAHCP Incidental Take Permit in 2028.*

**F. Consent Agenda****F.1 Approval of previous board meeting minutes  
- Regular Board Meeting - June 9, 2020**

*Approval of previous board meeting minutes  
- Regular Board Meeting - June 9, 2020*

**F.2 Consider recommendation from the Permits/Enforcement Committee to approve Voluntary Irrigation Suspension Program Option forbearance agreements with Victor John Niemeyer, Roy Lee Bippert and Eloise A. Bippert, Laurie Kay Keller and Michael Kim Keller, Cordell Bohlen, and Katherine Potter for Edwards groundwater withdrawal rights in the total amount of not less than \$292,680 and not to exceed \$1,159,880 for the Voluntary Irrigation Suspension Program Option in support of the Edwards Aquifer Habitat Conservation Plan.**

*Adopt Resolution and Order No. 07-20-968 of the Edwards Aquifer Authority Board of Directors to approve VISPO forbearance agreements for permitted Edwards groundwater rights between the EAA and the permit holders listed below, in the total amount of not less than \$292,680, and not to exceed \$1,159,880, for the Voluntary Irrigation Suspension Program Option in support of the Edwards Aquifer Habitat Conservation Plan and authorizing the General Manager to execute the Agreements.*

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

**F.3 Consider recommendation from the Executive Committee to approve payment to Kemp Smith for legal services for May 2020.**

*Approve payment to Kemp Smith in the amount of \$36,675 for legal services for May 2020.*

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

**G. Individual Consideration**

**G.1 Consider recommendation from the Executive Committee to direct the General Manager to negotiate a contract with Exhibit Concepts, Inc., to install interactive exhibits at the EAA Education Outreach Center.**

*Mr. De La Garza briefed the board regarding a contract with Exhibit Concepts, Inc., to conceptualize, develop, construct and install innovative, inclusive, imaginative and fiscally sustainable interactive exhibits at the EAA Education Outreach Center currently under construction at the Morgan's Wonderland Camp, opening in 2021.*

*Ms. Latifah Jackson, Contract & Business Development Coordinator, answered questions from the board regarding M/WBES for this project.*

**A motion was made by Director Patterson, seconded by Treasurer Ellis, the board approve the following ranked order listing of potential firms to conceptualize, develop, construct, and install interactive exhibits at the EAA Education Outreach Center:**

- 1. Exhibit Concepts, Inc.**
- 2. Amaze Design**
- 3. Gensler**

**A motion was made by Director Patterson, seconded by Treasurer Ellis, the board select Exhibit Concepts, Inc., as the most qualified, and authorize the General Manager to negotiate a contract with this firm to conceptualize, develop, construct and install interactive exhibits at the EAA Education Outreach Center.**

**The motions passed viva voce.**

- G.2 Consider recommendation from EAA staff calling for the election of seven voting members to the EAA Board of Directors from seven single-member districts within the boundaries of the EAA to be held on November 3, 2020.**

*Mr. Marc Friberg, Executive Director - External & Regulatory Affairs, briefed the board regarding calling for the election of seven voting members to the EAA Board of Directors from seven single-member districts within the boundaries of the EAA to be held on November 3, 2020, and providing for matters related to the holding of said election in accordance with applicable law.*

**A motion was made by Secretary Valdivia, seconded by Director Patterson, the board adopt Resolution and Order No. 07-20-969 of the Edwards Aquifer Authority Board of Directors calling for the election of seven voting members to the EAA Board of Directors from seven single-member districts within the boundaries of the EAA to be held on November 3, 2020, and providing for matters related to the holding of said election in accordance with applicable law. The motion passed viva voce.**

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

## **H. Staff Reports**

- H.1 Receive report from EAA staff on the Five-Year Financial Forecast for fiscal years 2021-2025.**

*Mr. Ruiz introduced this item to the board.*

*Ms. Shelly Hendrix, Director/Controller Financial Services, briefed the board regarding a report on the five-year financial forecast for fiscal years 2021-2025.*

## **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:**

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

**L. Adjournment.**

*There being no further business to discuss, the meeting adjourned at 4:58 p.m.*

---

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

---

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