



Edwards Aquifer Authority

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

Meeting Minutes - Draft

Board of Directors

Tuesday, September 8, 2020

3:00 PM

EAA Board Room

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

Chairman Buckner called the meeting to order at 3:00 p.m.

Present: 14 - 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 Abe Salinas, Director Rachel Sanborn, Secretary Enrique Valdivia, Director Ron Walton and Vice Chairman Ben Youngblood

Absent: 3 - Director Pat Stroka, Director Clark Ward and Director Scott Yanta

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:

- Mr. Charles "Chuck" Crawford was hired as a Data Collection Supervisor for Aquifer Management Services.
- Directors were reminded about the Fiesta de Septiembre Drive-thru event on Saturday, September 12 from 10:00 a.m. - 2:00 p.m. at the EAA.
- 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 July 2020.

Treasurer Ellis presented the unaudited financial statements for July 2020.

E. Board Reports**E.1 Receive report from EAA staff on the status of the EAA's data collection and management program.**

Mr. Mark Hamilton, Executive Director - Aquifer Management Services, introduced this item to the board regarding the EAA's data collection and management program.

Mr. Bryan Anderson, Director - Data Management, briefed the board regarding the importance of building a robust data collection program and how data provide the foundation for which research is conducted and policy may be informed.

F. Consent Agenda**F.1 Approval of previous board meeting minutes
- Regular Board Meeting - August 11, 2020**

*Approval of previous board meeting minutes
- Regular Board Meeting - August 11, 2020*

F.2 Consider recommendation from the Permits/Enforcement Committee to approve ASR springflow protection program forbearance agreements with Robert Neal Graves for the Aquifer Storage and Recovery Forbearance Program, in support of the Edwards Aquifer Habitat Conservation Plan, in the total amount of \$20,800.00.

Approve springflow protection program forbearance agreements with Robert Neal Graves for the Aquifer Storage and Recovery Program in support of the Edwards Aquifer Habitat Conservation Plan and authorize the General Manager to execute the agreements.

F.3 Consider recommendation from the Permits/Enforcement Committee to approve water conservation grant contracts with Shirley Bormann and Glenda T. Montgomery; and with KNJK Family Limited Partnership, in the total amount of \$99,963.00.

Authorize the General Manager to execute water conservation grant contracts with Shirley Bormann and Glenda T. Montgomery for \$44,963.00; and with KNJK Family Limited Partnership for \$55,000.00.

F.4 Consider recommendation from the Finance/Administrative Committee to approve payment to Kemp Smith for legal services for July 2020.

Approve payment to Kemp Smith in the amount of \$41,086.22 for legal services for July 2020.

- F.5 Consider recommendation from the Aquifer Management Planning Committee to approve a contract with ICF Jones and Stokes, Inc., to develop and produce the Edwards Aquifer Habitat Conservation Plan Annual Report, in the amount of \$55,900.**

Approve Contract No. 20-021-TES between the EAA and ICF Jones and Stokes, Inc., to develop and produce the Edwards Aquifer Habitat Conservation Plan Annual Report, in the amount of \$55,900, for the period October 15, 2020 through April 30, 2021, with options to renew for three additional years.

A motion was made by Director Patterson, seconded by Secretary Valdivia, to approve the consent agenda. The motion passed viva voce.

G. Individual Consideration

- G.1 Consider recommendation from the Finance/Administrative Committee to approve the Edwards Aquifer Habitat Conservation Plan FY2020 Funding Application Amendment submitted by the City of New Braunfels and associated 2020 EAA Operating Budget amendment by increasing the Habitat Conservation Plan fund by \$25,000.**

A motion was made by Treasurer Ellis, seconded by Vice-Chairman Youngblood, the board adopt Resolution and Order No. 09-20-974 of the Edwards Aquifer Authority Board of Directors approving an amendment to the Edwards Aquifer Habitat Conservation Plan FY2020 Funding Application for the City of New Braunfels increasing the Impervious Cover/Water Quality/LID Conservation Measure (EAHCP § 5.7.6) by \$25,000, and amend the 2020 EAA Operating Budget accordingly. The motion passed viva voce.

[Attached and made a part of these minutes.]

- G.2 Consider recommendation from the Finance/Administrative Committee to approve the renewal of an interlocal contract with the Texas Municipal League Intergovernmental Risk Pool for property, casualty, and workers' compensation insurance, in the amount of \$101,457, for the period of October 1, 2020 through October 1, 2021.**

A motion was made by Treasurer Ellis, seconded by Director Patterson, the board adopt Resolution and Order No. 09-20-975 of the Edwards Aquifer Authority Board of Directors approving the renewal of an interlocal contract with the Texas Municipal League Intergovernmental Risk Pool for property, casualty, and workers' compensation insurance, in the amount of \$101,457, for the period October 1, 2020 through October 1, 2021, and authorize the General Manager to take any necessary steps to renew the contract. The motion passed viva voce.

[Attached and made a part of these minutes.]

- G.3 Consider recommendation from the Aquifer Management Planning Committee to approve a contract with J3 Company, LLC, for construction services for the Seco Creek Head Gate project, in an amount not to exceed \$155,000.00.**

Mr. Ruiz briefed the board regarding the contract for construction and installation of a head gate at the Seco Creek recharge structure.

A motion was made by Secretary Valdivia , seconded by Director Sanborn, the board adopt Resolution and Order No. 09-20-976 of the Edwards Aquifer Authority Board of Directors approving Contract No. 20-026-AMS between the EAA and J3 Company, LLC, for the construction and installation of a head gate at the Seco Creek recharge structure, for a total amount not to exceed \$155,000.00, for the period September 9, 2020, through March 31, 2021. The motion passed viva voce.

[Attached and made a part of these minutes.]

- G.4 Consider recommendation from EAA staff to: (1) accept the Certification of Candidates' Unopposed Status issued by Board Secretary Enrique P. Valdivia; (2) adopt Resolution and Order No. 09-20-977 of the Edwards Aquifer Authority Board of Directors declaring the unopposed candidates elected to office from single-member districts 2, 4, 6, 8, 12, and 14 within the boundaries of the EAA, cancelling those elections, and declaring that there were no applications filed for the election for single-member district 10; and (3) direct the General Manager and General Counsel to take all appropriate actions in furtherance thereof as may be required by law.**

Mr. Ruiz briefed the board regarding accepting the certification by the Secretary of the Board of Directors of the Edwards Aquifer Authority of those candidates who are unopposed for the EAA's November 3, 2020 general directors' election and by board order, to declare the unopposed candidates to be elected to their respective positions as a director of the board of the EAA, cancel each respective election, and declare that no applications were received for the elections for single-member district 10.

A motion was made by Director Krueger, seconded by Treasurer Ellis, the board: (1) accept the Certification of Candidates' Unopposed Status issued by Board Secretary Enrique P. Valdivia; (2) adopt Resolution and Order No. 09-20-977 of the Edwards Aquifer Authority Board of Directors declaring the unopposed candidates elected to office from single-member districts 2, 4, 6, 8, 12, and 14 within the boundaries of the EAA and cancelling those elections, and declaring that there were no applications received for the election for single-member district 10; and (3) direct the General Manager and General Counsel to take all appropriate actions in furtherance thereof as may be required by law. The motion passed viva voce.

[Attached and made a part of these minutes.]

- G.5 Consider recommendation from EAA staff to approve an amendment to the Memorandum of Understanding between the EAA and the San Antonio Zoological Society, Inc., for the development of an Edwards Aquifer Conservation and Education Exhibit within the San Antonio Zoo.**

Mr. Ruiz briefed the board regarding amending the Memorandum of Understanding with the San Antonio Zoological Society, Inc., for the development of an Edwards Aquifer Conservation and Education Exhibit within the San Antonio Zoo.

A motion was made by Director Patterson, seconded by Treasurer Ellis, the board approve an amendment to the Memorandum of Understanding between the EAA and the San Antonio Zoological Society, Inc., for the development of an Edwards Aquifer Conservation and Education Exhibit within the San Antonio Zoo. The motion passed viva voce.

- G.6 Receive report from EAA staff regarding the development of the EAA's Next Generation Concept as it relates to the City of San Antonio's Edwards Aquifer Protection Program.**

Mr. Ruiz briefed the board regarding developments that relate to the EAA's Next Generation Concept and the City of San Antonio's Edwards Aquifer Protection Program.

After discussion by the board, they agreed to direct staff to work on a draft resolution or public statement and present it to the Executive Committee at the next meeting for consideration.

H. Staff Reports

- H.1 Receive report from EAA staff on the General Manager's 2021 Proposed Operating Budget.**

Ms. Shelly Hendrix, Director/Controller Financial Services, briefed the board regarding the General Manager's 2021 Proposed Operating Budget.

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:

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 agenda items.

L. Adjournment.

There being no further business to discuss, the meeting adjourned at 4:28 p.m.

Enrique P. Valdivia
Secretary, Board of Directors

Jennifer Wong-Esparza
Assistant to Board Secretary