



Edwards Aquifer Authority

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

Meeting Minutes - Draft

Board of Directors

Tuesday, October 13, 2020

3:00 PM

Via Teleconference

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

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

Present: 13 - Chairman Luana Buckner, Director Deborah Carington, Treasurer Ron Ellis, Director Rader Gilleland, Director Kathleen Krueger, Director Byron Miller, Director Carol Patterson, Director Abe Salinas, Secretary Enrique Valdivia, Director Ron Walton, Director Clark Ward, Director Scott Yanta and Vice Chairman Ben Youngblood

Absent: 4 - Director Don Laffere, Director Gary Middleton, Director Rachel Sanborn 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.)
- Recent Activities of the Edwards Aquifer Habitat Conservation Program
- Aquifer Conditions

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

- *Mr. Matthew Cota was hired as an Electronics Technician for External & Regulatory Affairs.*
- *Mr. Ned Troshanov, Aquifer Data Analyst, completed 20 years of service with the EAA.*
- *Mr. Joey Tovar, Facilities Associate, completed five years of service with 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 August 2020.

Treasurer Ellis presented the unaudited financial statements for August 2020.

E. Board Reports

E.1 Receive report from EAA staff on the role of the Contributing Zone in maintaining historical water quantity and quality.

Mr. Mark Hamilton, Executive Director - Aquifer Management Services, provided a summary of the physical processes that occur in the Contributing Zone and how those processes function to maintain historical water quantity and quality in the Edwards Aquifer system.

F. Consent Agenda

**F.1 Approval of previous board meeting minutes
 - Regular Board Meeting - September 8, 2020**

*Approval of previous board meeting minutes
 - Regular Board Meeting - September 8, 2020*

F.2 Consider recommendation from the Permits/Enforcement Committee to approve forbearance agreements with Turner-Pasche Ranch, LLC, and George D. Koch, for Edwards groundwater withdrawal rights in the total amount of not less than \$83,430.00, and not to exceed \$330,630.00, for the Voluntary Irrigation Suspension Program Option in support of the Edwards Aquifer Habitat Conservation Plan.

Adopt Resolution and Order No. 10-20-978 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 \$83,430.00, and not to exceed \$330,630.00, for the Voluntary Irrigation Suspension Program Option in support of the Edwards Aquifer Habitat Conservation Plan, and authorizing the General Manager to execute the Agreement.

[Attached and made a part of these minutes.]

- F.3 Consider recommendation from the Permits/Enforcement Committee to approve a springflow protection program forbearance agreement with Sammy L. Gugliotti for the Aquifer Storage and Recovery Forbearance Program, in support of the Edwards Aquifer Habitat Conservation Plan, in the total amount of \$24,000.00.**

Approve a springflow protection program forbearance agreement with Sammy L. Gugliotti for the Aquifer Storage and Recovery Program in support of the Edwards Aquifer Habitat Conservation Plan and authorize the General Manager to execute the agreement.

- F.4 Consider recommendation from the Finance/Administrative Committee to approve the 2021 plan agreement with the Texas County and District Retirement System.**

Adopt Resolution and Order No. 10-20-979 of the Edwards Aquifer Authority Board of Directors approving the plan agreement with the Texas County and District Retirement System, for the period January 1, 2021 through December 31, 2021.

[Attached and made a part of these minutes.]

- F.5 Consider recommendation from the Finance/Administrative Committee to approve payment to Kemp Smith for legal services for August 2020.**

Approve payment to Kemp Smith in the amount of \$35,334.03 for legal services for August 2020.

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

G. Individual Consideration

- G.1** **Consider recommendation from the Permits/Enforcement Committee to approve an Interlocal Cooperation Contract between the EAA and Evergreen Underground Water Conservation District to conduct a Precipitation Enhancement Program, in an amount not to exceed \$175,000.**

Mr. Marc Friberg, Executive Director - External & Regulatory Affairs, briefed the board regarding approving an Interlocal Cooperation Contract (Contract) with the Evergreen Underground Water Conservation District (EUWCD) to conduct a Precipitation Enhancement Program (PEP) for the year 2021.

A motion was made by Secretary Valdivia, seconded by Director Yanta, the board adopt Resolution and Order No. 10-20-980 of the Edwards Aquifer Authority Board of Directors approving an Interlocal Cooperation Contract between the EAA and Evergreen Underground Water Conservation District to conduct precipitation enhancement activities, in an amount not to exceed \$175,000, for the period October 1, 2020, through September 30, 2021, with options to renew for four additional one-year periods, and authorizing the General Manager to execute the contract. Director Miller, Director Patterson, and Director Salinas voted in opposition to the motion. The motion passed viva voce.

[Attached and made a part of these minutes.]

Item G.5 was taken out of order on the agenda and considered after agenda item G.1 and before agenda item G.2.

- G.5** **Consider recommendation from EAA staff to approve an agreement with the San Antonio Zoological Society, Inc., for the lease of self-contained portable research facilities, in exchange for in-kind considerations.**

Mr. Ruiz briefed the board regarding approving an equipment lease agreement with the San Antonio Zoological Society, Inc. (Zoo) for the lease of three self-contained portable research facilities owned by the EAA and located at the Zoo.

Mr. Frank Ruttenberg, San Antonio Zoo - Board President, addressed the board expressing his appreciation and thanked staff.

A motion was made by Director Patterson, seconded by Director Miller, the board approve an equipment lease agreement between the EAA and the San Antonio Zoological Society, Inc, for the lease of self-contained portable research facilities, in exchange for in-kind considerations associated with collaborative educational opportunities at the San Antonio Zoo. The motion passed viva voce.

[Attached and made a part of these minutes.]

- G.2 Consider recommendation from the Finance/Administrative Committee to authorize staff to present the 2021 proposed budget and associated aquifer management fee rates for public comment.**

A motion was made by Treasurer Ellis, seconded by Vice-Chairman Youngblood, the board authorize staff to present the 2021 proposed budget and associated aquifer management fee rates for public comment. The motion passed viva voce.

- G.3 Consider recommendation from the Finance/Administrative Committee to approve an interlocal contract between the EAA and the City of New Braunfels to fund Conservation Measures and Program Activities in accordance with the Edwards Aquifer Habitat Conservation Plan.**

Mr. Damon Childs, Contract Administrator, briefed the board regarding approving an interlocal contract ("Contract") between the EAA and the City of New Braunfels to fund conservation measures and program activities in accordance with the Edwards Aquifer Habitat Conservation Plan.

A motion was made by Treasurer Ellis, seconded by Vice-Chairman Youngblood, the board adopt Resolution and Order No. 10-20-981 of the Edwards Aquifer Authority Board of Directors approving Interlocal Contract No. 20-024-TES between the EAA and the City of New Braunfels to serve as a funding contract for the reimbursement of funds for the implementation of the Conservation Measures or other Program Activities of the EAHCP for the period January 1, 2021 through March 31, 2028. The motion passed viva voce.

[Attached and made a part of these minutes.]

- G.4 Consider recommendation from the Finance/Administrative Committee to approve an interlocal contract between the EAA and the City of San Marcos and Texas State University to fund Conservation Measures and Program Activities in accordance with the Edwards Aquifer Habitat Conservation Plan.**

Mr. Childs briefed the board regarding approving an interlocal contract ("Contract") between the EAA and the City of San Marcos and Texas State University to fund conservation measures and program activities in accordance with the Edwards Aquifer Habitat Conservation Plan.

A motion was made by Treasurer Ellis, seconded by Vice-Chairman Youngblood, the board adopt Resolution and Order No. 10-20-982 of the Edwards Aquifer Authority Board of Directors approving Interlocal Contract No. 20-025-TES between the EAA and the City of San Marcos and Texas State University to serve as a funding contract for the reimbursement of funds for the implementation of the Conservation Measures or other Program Activities of the EAHCP for the period January 1, 2021 through March 31, 2028. The motion passed viva voce.

[Attached and made a part of these minutes.]

- G.6 Consider recommendation from EAA staff to assess an Administrative Penalty under Section 1.37 of the EAA Act against Hugo and Eva Sanchez for failing to submit a 2019 Annual Groundwater Use Report with the EAA.**

Mr. Friberg briefed the board regarding the unresolved compliance matter with Hugo and Eva Sanchez regarding the submittal of her 2019 Annual Groundwater Use Report.

A motion was made by Secretary Valdivia, seconded by Director Salinas, the board approve the Default Order Assessing an Administrative Penalty of \$200 to Hugo and Eva Sanchez for the Failure to File a 2019 Annual Use Report. The motion passed viva voce.

- G.7 Consider recommendation from EAA staff to assess an Administrative Penalty under Section 1.37 of the EAA Act against Ms. Andrea Sanger for failing to submit a 2019 Annual Groundwater Use Report with the EAA.**

Mr. Friberg briefed the board regarding the unresolved compliance matter with Ms. Andrea Sanger regarding the submittal of her 2019 Annual Groundwater Use Report.

A motion was made by Secretary Valdivia, seconded by Director Yanta, the board approve the Default Order Assessing an Administrative Penalty of \$200 to Ms. Andrea Sanger for the Failure to File a 2019 Annual Use Report. The motion passed viva voce.

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:

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)

The board did not meet in closed session.

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 board meeting agendas.

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