



Edwards Aquifer Authority

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

Meeting Minutes - Draft

Board of Directors

Tuesday, December 8, 2020

5:00 PM

Via Teleconference

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

Chairman Buckner called the meeting to order at 5:00 p.m.

Present: 16 - Chairman Luana Buckner, Director Don Baker, Director Fohn Bendele, Director Deborah Carington, Treasurer Ron Ellis, Director Rader Gilleland, Director Kathleen Krueger, Director Byron Miller, Director Carol Patterson, Director Abe Salinas, Director Rachel Sanborn, Director Pat Stroka, Secretary Enrique Valdivia, Director Ron Walton, Director Scott Yanta and Vice Chairman Ben Youngblood

Absent: 1 - Director Gary Middleton

B. Administer Oath of Office.

Chairman Buckner administered the oath of office to the returning and new directors.

The following directors were sworn into office:

District 2 - Byron Miller

District 4 - Ben Youngblood

District 6 - Deborah Carington

District 8 - Kathleen Tobin Krueger

District 12 - Scott Yanta

District 14 - Donald Baker

Medina County Appointee - Fohn Bendele

C. Public comment.

There were no citizens who requested to address the board.

D. General Manager's announcements and reports.

D.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:

- *Ms. Gizelle Luevano, Lead Hydrologic Data Coordinator, completed 20 years of service with the EAA.*
- *Mr. Kyle Craig, Recharge Zone Protection Supervisor, was promoted from Recharge Zone Protection Supervisor to Recharge Zone Protection Coordinator.*
- *The EAA would hold a "virtual" surplus sale beginning Tuesday, December 8. Surplus items could be viewed on the EAA website beginning December 8 in the surplus section of "Doing Business with the EAA." Visit the EAA website surplus section of "Doing Business with the EAA" for complete details and instructions or contact Shelly Hendrix.*
- *Mr. Paul Bertetti, Director of Aquifer Science, briefed the board on current aquifer conditions.*

Chairman Buckner recognized Director Clark Ward for his service with the EAA Board of Directors.

E. Treasurer's Report**E.1**

Receive report from EAA staff on unaudited financial statements for October 2020.

Treasurer Ellis presented the unaudited financial statements for October 2020.

F. Board Reports**F.1**

Receive report from EAA staff on the recently completed EAHCP options analysis.

Mr. Scott Stormont, Senior Director - Threatened & Endangered Species, briefed the board regarding the recently completed EAHCP options analysis report.

G. Consent Agenda**G.1**

Approval of previous board meeting minutes
- Regular Board Meeting - November 10, 2020

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- G.2 Consider recommendation from the Executive Committee to approve an arrangement letter with RSM US, L.L.P., to provide independent audit services for fiscal year 2020, in the amount of \$57,750.**

Approve an arrangement letter with RSM US, L.L.P., to provide independent audit services for fiscal year 2020, in the amount of \$57,750, with an option to renew for up to three additional years.

- G.3 Consider recommendation from the Executive Committee to approve payment to Kemp Smith for legal services for October 2020.**

Approve payment to Kemp Smith in the amount of \$50,833.43 for legal services for October 2020.

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

H. Individual Consideration

- H.1 Consider recommendation from the Executive Committee to adopt the EAA's 2021 legislative priorities.**

Mr. Marc Friberg, Executive Director - External & Regulatory Affairs, briefed the board regarding the EAA's proposed 2021 legislative priorities.

Mr. James Clark, Carriage House Partners, offered comments regarding the EAA's 2021 legislative priorities.

A motion was made by Vice-Chairman Youngblood, seconded by Director Patterson, the board adopt the EAA's 2021 legislative priorities as presented. The motion passed viva voce.

- H.2 Consider recommendation from the Executive Committee to approve a contract with Quacito, LLC, for maintenance services on the EAA database system, in an amount not to exceed \$552,960.**

A motion was made by Director Stroka, seconded by Treasurer Ellis, the board adopt Resolution and Order No. 12-20-992 of the Edwards Aquifer Authority Board of Directors approving Contract No. 20-043-AFS between the EAA and Quacito, LLC, for maintenance services on the EAA database system, in an amount not to exceed \$552,960, for the period January 1, 2021 through December 31, 2023. The motion passed viva voce.

[Attached and made a part of these minutes.]

- H.3 Consider recommendation from the Executive Committee to approve an Interlocal Cooperation Contract between the EAA and the University of Texas at Austin Bureau of Economic Geology for the installation, operations and analysis of eddy covariance for quantifying evapotranspiration, in an amount not to exceed \$199,939.71, and to authorize the General Manager to execute the contract.**

Mr. Brent Doty, Research Manager, briefed the board regarding approving an Interlocal Cooperation Contract between the EAA and The University of Texas at Austin Bureau of Economic Geology, for the installation, operation and analysis of eddy covariance for quantifying evapotranspiration.

A motion was made by Director Patterson, seconded by Secretary Valdivia, the board adopt Resolution and Order No. 12-20-993 of the Edwards Aquifer Authority Board of Directors approving an Interlocal Cooperation Contract No. 20-041-AMS between the EAA and The University of Texas at Austin Bureau of Economic Geology, for the installation, operation and analysis of eddy covariance for quantifying evapotranspiration, in an amount not to exceed \$199,929.71 for the period January 1, 2021, through December 31, 2023. The motion passed viva voce.

[Attached and made a part of these minutes.]

- H.4 Consider recommendation from EAA staff to partially approve an application to convert base irrigation groundwater owned by Michael S. Hackebeit and Rebecca M. Hackebeit based on a change in land use.**

Mr. Friberg introduced this item to the board.

Mr. Omar Garcia, Permits Supervisor, briefed the board regarding partially approving an application to convert base irrigation groundwater owned by Michael S. Hackebeit and Rebecca M. Hackebeit based on a change in land use.

A motion was made by Secretary Valdivia, seconded by Director Krueger, the board adopt a Final Order Granting, in part, Application to Convert Base Irrigation Groundwater for Regular Permit No. P109-090 (ME00349) based on a change in land use submitted by Michael S. Hackebeit and Rebecca M. Hackebeit. The motion passed viva voce.

[Attached and made a part of these minutes.]

H.5 Consider direction to the General Manager to initiate the necessary procedures for filling the potential vacancy of EAA Director District 10 in Hays County consistent with EAA Bylaws.

Chairman Buckner briefed the board regarding directing the General Manager to initiate the necessary procedures for filling the expected vacancy of Edwards Aquifer Authority Director District 10 in Hays County. Current District 10 Director Pat Stroka submitted a letter of intent to resign.

Mr. Ruiz briefed the board regarding the expected vacancy.

A motion was made by Secretary Valdivia, seconded by Director Walton, the board direct the General Manager to initiate the necessary procedures for filling the expected vacancy of Edwards Aquifer Authority Director District 10 in Hays County as outlined in the timetable. The motion passed viva voce.

I. Staff Reports

J. 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 6:01 p.m.

J.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)

Chairman reopened the meeting to the public at 6:24 p.m.

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

The board did not consider any recommendations.

L. Discuss items for future board meeting agendas.

The board did not discuss future board meeting agendas.

M. Adjournment.

There being no further business to discuss, the meeting adjourned at 6:25 p.m.

Enrique P. Valdivia
Secretary, Board of Directors

Jennifer Wong-Esparza
Assistant to Board Secretary