



Edwards Aquifer Authority

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

Meeting Minutes - Draft

Board of Directors

Tuesday, August 10, 2021

4:00 PM

EAA Board Room & Via Teleconference

A. Call to Order – Roll Call

Chairman Buckner called the meeting to order at 4:01 p.m.

Present: 15 - Chairman Luana Buckner, Director Don Baker, Director Fohn Bendele, Director Austin Bodin, Director Rader Gilleland, Director Kathleen Krueger, Director Gary Middleton, Treasurer Byron Miller, Director Carol Patterson, Director Abe Salinas, Director Rachel Sanborn, Vice Chairman Enrique Valdivia, Director Ron Walton, Director Scott Yanta and Secretary Ben Youngblood

Absent: 2 - Director Deborah Carington and Director Randall Perkins

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:

- *The work session was scheduled for September 16-17. Directors were asked to confirm their attendance with Sandy by close of business on August 13.*
- *The draft permits associated with the recharge dams would most likely be released for public comment sometime between now and the next time the board meets.*
- *Ms. Taylor Bruecher, Hydrologic Coordinator, successfully passed the Geographic Information Systems Professional (GISP) exam last month.*
- *The EAA operates an AMR network to volunteer irrigation permit holders and currently operates over 120 remote stations. AMR was traditionally only offered to irrigation permit holders as staff developed the special hardware to be compatible with the irrigation flow meters that the EAA owns and maintains on irrigation wells. In August 2021, the EAA entered into an agreement with Medina River West Water Supply Corporation (MRWWSC) to operate our first Automated Meter Reading (AMR) stations for a municipal permit holder. The AMR stations at the two water supply wells that MRWWSC operates went on-line August 9.*
- *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 June 2021.

Treasurer Miller presented the unaudited financial statements for June 2021.

E. Board Reports**F. Consent Agenda****F.1**

Approval of previous board meeting minutes

- **Regular Board Meeting - July 13, 2021**

Approval of previous board meeting minutes

- *Regular Board Meeting - July 13, 2021*

- F.2 Consider recommendation from the Permits/Enforcement Committee to accept the settlement counter-offer from New Life Christian Ministry, Inc., related to exceeding authorized groundwater withdrawals during 2020.**

Accept the counter-offer as proposed from New Life Christian Ministry, Inc., and waive the settlement penalty in lieu of documented repairs the owner made to their water system.

- F.3 Consider recommendation from the Permits/Enforcement Committee to approve an application to convert base irrigation groundwater owned by Continental Homes of Texas, L.P., based on a change in land use.**

Adopt a Final Order Granting Application to Convert Base Irrigation Groundwater for Regular Permit No. P109-403 (ME00354) based on a change in land use submitted by Continental Homes of Texas, L.P.

[Attached and made a part of these minutes.]

- F.4 Consider recommendation from the Permits/Enforcement Committee to approve an application to convert base irrigation groundwater owned by KB Home Lone Star, Inc., based on a change in land use.**

Adopt a Final Order Granting Application to Convert Base Irrigation Groundwater for Regular Permit No. P109-318 (BE00222) based on a change in land use submitted by KB Home Lone Star, Inc., LLC, a Texas limited liability company.

[Attached and made a part of these minutes.]

- F.5 Consider recommendation from the Permits/Enforcement Committee to approve ASR springflow protection program forbearance agreements with FDSS, Ltd., Frank A. Ramsey, Lyle N. Riff, Michael J. Riff, and Becky Mumme for the Aquifer Storage and Recovery Forbearance Program, in support of the Edwards Aquifer Habitat Conservation Plan, in the total amount of \$167,557.60.**

Adopt Resolution and Order No. 08-21-999 of the Edwards Aquifer Authority Board of Directors to approve springflow protection program forbearance agreements with FDSS, Ltd., Frank A. Ramsey, Lyle N. Riff, Michael J. Riff, and Becky Mumme with the EAA 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.

[Attached and made a part of these minutes.]

- F.6 Consider recommendation from the Finance/Administrative Committee to approve payment to Kemp Smith for legal services for June 2021.**

A motion was made by Director Patterson, seconded by Secretary Youngblood, to approve the consent agenda. The motion passed without opposition.

G. Individual Consideration

- G.1 Consider recommendation from EAA staff to assess an Administrative Penalty under Section 1.37 of the EAA Act against Andrea Sanger (\$500) for failing to file a 2020 Annual Groundwater Use Report with the EAA.**

Mr. Marc Friberg, Executive Director - External & Regulatory Affairs, briefed the board regarding the unresolved compliance matters with Andrea Sanger ("the Respondent") regarding the submittal of a 2020 Annual Groundwater Use Report.

A motion was made by Secretary Youngblood, seconded by Director Yanta, the board approve the Default Order Assessing an Administrative Penalty of \$500 to Andrea Sanger for Failing to File a 2020 Annual Groundwater Use Report with the EAA. The motion passed without opposition.

[Attached and made a part of these minutes.]

- G.2 Consider recommendation from EAA staff to approve water conservation grant contracts in the total amount of \$295,910.96 to Yanta Farms (\$109,409.17), Archie McFadin & Sarabeth McFadin (\$76,127.00), Olan F. Karn (\$70,287.79), Wayne F. Stein, Yvonee M. Stein, and Patrick A. Stein (\$3,287.00), and Deborah Benke (\$36,800.00).**

Mr. Chuck Ahrens, Water Resources Manager, briefed the board regarding water conservation grant contracts with EAA groundwater withdrawal permit holders. Ms. Isabel Martinez, Conservation Coordinator, summarized the proposed projects for the water conservation grant contracts.

A motion was made by Vice-Chairman Valdivia, seconded by Director Gilleland, the board approve Resolution and Order No. 08-21-000 and conservation grant contracts with: Yanta Farms (\$109,409.17), Archie McFadin & Sarabeth McFadin (\$76,127.00), Olan F. Karn (\$70,287.79), Wayne F. Stein, Yvonee M. Stein, and Patrick A. Stein (\$3,287.00), and Deborah Benke (\$36,800.00), and authorize the General Manager to negotiate and execute the contracts. Director Yanta abstained from the vote on the motion. The motion passed without opposition.

[Attached and made a part of these minutes.]

G.3 Consider EAA staff recommendation to approve the purchase of employee medical insurance for the period October 1, 2021, through September 30, 2022.

Mr. Felix Marquez, Executive Director - Administration & Financial Services, briefed the board regarding the purchase of employee medical insurance from Blue Cross Blue Shield of Texas for the 2021 plan year.

A motion was made by Treasurer Miller, seconded by Director Patterson, the board adopt Resolution and Order No. 08-21-001 of the Edwards Aquifer Authority Board of Directors approving the purchase of employee medical insurance from Blue Cross Blue Shield of Texas through CBG Benefits Group, for the period October 1, 2021 through September 30, 2022, in the approximate amount of \$729,636, with an option to renew for four additional years. The motion passed without opposition.

[Attached and made a part of these minutes.]

H. Staff Reports

Chairman Buckner closed the meeting to the public at 4:39 p.m.

H.1 Receive report from EAA staff on the status of the property located at 1610 N. St. Mary's Street.

This item was considered by the board in closed session.

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)

Chairman Buckner reopened the meeting to the public at 5:05 p.m.

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

A motion was made by Director Gilleland, seconded by Secretary Youngblood, the board accept the Letter of Intent (LOI) from Urban Genesis for the sale of the EAA property located at 1610 N. St. Mary's St., and authorize the General Manager to negotiate a real estate contract for the sale of said property. The motion passed without opposition.

K. Discuss items for future board meeting agendas.

The board did not discuss future board meeting agenda items.

L. Adjournment.

There being no further business to discuss, the meeting adjourned at 5:05 p.m.

Benjamin F. Youngblood III
Secretary, Board of Directors

Jennifer Wong-Esparza
Assistant to Board Secretary