



Edwards Aquifer Authority

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

Meeting Minutes - Final

Board of Directors

Tuesday, November 8, 2022

4:00 PM

EAA Board Room

A. Call to Order – Roll Call

Chairman Buckner called the meeting to order at 4:00 p.m.

Present: 11 - Director Don Baker, Director Deborah Carington, Director Rader Gilleland, Director Kathleen Krueger, Treasurer Byron Miller, Director Carol Patterson, Director Abe Salinas, Director Rachel Sanborn, Vice Chair Enrique Valdivia, Director Scott Yanta and Secretary Ben Youngblood

Absent: 4 - Director Fohn Bendele, Director Austin Bodin, Director Gary Middleton and Director Randall Perkins

B. Public Comment

Mr. Vince Gilliam, General Partner - Gilliam Ranch, LP, addressed the board regarding changing EAA rules pertaining to the intent to finish a crop.

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:

- *Ms. Jewell Lee Cozort was hired as an Aquifer Environmental Scientist II.*
- *Mr. David Gregory, Environmental Science Technician IV, completed 20 years of service with the EAA.*
- *Mr. Adrian Lopez, Website Design & Content Specialist II, completed five years of service with the EAA.*
- *Dr. Changbing Yang, Principal Modeler, completed five years of service with the EAA.*
- *In an effort to ensure the utmost service through regulation in this drought-intense year, staff's plan was to proactively engage with the regulated community (permit holders) between now and the end of the year to minimize over pumping cases. Staff's intent was to encourage one-on-one consultations in order to help identify possible paths forward for those who may be in or close to jeopardy of over pumping.*
- *A 385-acre tract in Hays County was recently acquired for conservation purposes by Hays County and the EAA participated through a contribution of \$250k, which the board approved earlier this year. The acquisition makes us a third party beneficiary and allows access and use of the property for the purposes stated within the conservation easement.*
- *As of last month, the matter of the Hot Wells abandoned well settlement agreement has been closed and the EAA received final payment for the effort extended to plug that well.*
- *Next month we plan to hold an oath of office ceremony prior to the start of the regular board meeting, with Luana issuing the oath of office to those recently elected and re-elected to their seats on the board. Following the regular board meeting, we will then convene for the annual holiday Christmas party at the Wyndham Garden Hotel.*
- *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 September 2022.

The board did not have any questions for Treasurer Miller regarding the unaudited financial statements for September 2022.

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

**F.1 Approval of previous board meeting minutes
 - Regular Board Meeting - October 11, 2022**

*Approval of previous board meeting minutes
- Regular Board Meeting - October 11, 2022*

**F.2 Consider recommendation from the Finance/Administrative
Committee to approve amendments to Article X of the ByLaws
of the Edwards Aquifer Authority pertaining to the EAA
Investment Policy and Investment Strategy and designating
investment officers.**

*Adopt Resolution and Order No. 11-22-041 of the Edwards Aquifer Authority Board of
Directors approving amendments to Article X of the EAA Bylaws pertaining to the EAA
Investment Policy and Investment Strategy.*

*Reflect in the minutes that the named persons occupying the positions of Executive
Director - Administration and Financial Services and Controller are the Investment
Officers under Article X of the Bylaws.*

[Attached and made a part of these minutes.]

**F.3 Consider recommendation from the Finance/Administrative
Committee to approve the purchase of IT cloud server hosting
services from Amazon Web Services, Inc., in an amount not to
exceed \$66,140, for calendar year 2022.**

*Approve the purchase of IT cloud server hosting services from Amazon Web Services,
Inc., in an amount not to exceed \$66,140, for calendar year 2022.*

**F.4 Consider recommendation from the Finance/Administrative
Committee to approve payment to Kemp Smith, in the amount
of \$63,341.05, for legal services for September 2022.**

*Approve payment to Kemp Smith, in the amount of \$63,341.05, for legal services for
September 2022.*

*A motion was made by Treasurer Miller, seconded by Vice-Chairman Valdivia, to
approve the consent agenda. The motion passed without opposition.*

G. Individual Consideration

- G.1 Consider recommendation from the Finance/Administrative Committee to approve the Edwards Aquifer Habitat Conservation Plan FY2023 Funding Applications submitted by the Edwards Aquifer Authority (\$19,844,684), the City of New Braunfels (\$1,055,385), and the City of San Marcos/Texas State University (\$1,461,425).**

Mr. Damon Childs, Contract Administrator, briefed the board regarding the Edwards Aquifer Habitat Conservation Plan FY2023 Funding Applications submitted by the Edwards Aquifer Authority, the City of New Braunfels, and the City of San Marcos/Texas State University.

A motion was made by Treasurer Miller, seconded by Director Patterson, the board adopt Resolution and Order No. 11-22-042 of the Edwards Aquifer Authority Board of Directors approving the Edwards Aquifer Habitat Conservation Plan FY2023 Program Funding Applications submitted by the Edwards Aquifer Authority, in an amount not to exceed \$19,844,684; the City of New Braunfels, in an amount not to exceed \$1,055,385; and the City of San Marcos/Texas State University, in an amount not to exceed \$1,461,425, for the purpose of implementing the Conservation Measures and Program Activities as required by the EAHCP, for the period January 1, 2023 through December 31, 2023. The motion passed without opposition.

[Attached and made a part of these minutes.]

- G.2 Consider recommendation from the Finance/Administrative Committee to adopt the annual operating budget for fiscal year 2023 and assessing aquifer management fee and program aquifer management fee rates for 2023.**

A motion was made by Treasurer Miller , seconded by Secretary Youngblood, the board adopt Resolution and Order No. 11-22-043 of the Edwards Aquifer Authority Board of Directors adopting the annual operating budget for fiscal year 2023, as amended, and assessing the aquifer management fee and program aquifer management fee rates for 2023, as follows:

**Agricultural aquifer management fee (General Fund) -- \$2 per acre-foot
Non-agricultural aquifer management fee (General Fund) -- \$54 per acre-foot
Non-agricultural program aquifer management fee (EAHCP Fund) -- \$30 per acre-foot**

The motion passed without opposition.

[Attached and made a part of these minutes.]

- G.3 Consider recommendation from EAA staff to approve an Amendment of Springflow Protection Forbearance Agreement for 4 Doyon Enterprises, LLC, and approve a Springflow Protection Forbearance Agreement for Lyle N. Riff for the Aquifer Storage and Recovery Forbearance Program in support of the Edwards Aquifer Habitat Conservation Plan, in the total amount of \$9,600.**

Mr. Javier Hernandez, Special Projects Liaison, briefed the board regarding an Amendment of Springflow Protection Forbearance Agreement for 4 Doyon Enterprises, LLC, and approving a Springflow Protection Forbearance Agreement for Lyle N. Riff for the Aquifer Storage and Recovery Forbearance Program.

A motion was made by Vice-Chairman Valdivia, seconded by Director Yanta, the board amend an ASR Forbearance Agreement with 4 Doyon Enterprise, LLC, and approve a replacement ASR Forbearance Agreement with Lyle N. Riff for the amount reduced by the amendment. The motion passed without opposition.

- G.4 Consider recommendation from the Executive Committee to amend the EAA's 2023 legislative priorities.**

Mr. Marc Friberg, Executive Director - External & Regulatory Affairs, briefed the board regarding amending the EAA's 2023 legislative priorities.

A motion was made by Director Patterson, seconded by Secretary Youngblood, the board approve the presented amendments to the EAA's 2023 legislative priorities, including the discussed flexibility in draft bill language options for use during the 88th Regular Session of the Texas Legislature. The motion passed without opposition.

[Attached and made a part of these minutes.]

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:

Chairman Buckner closed the meeting to the public at 4:37 p.m.

I.1 Closed Session**1. Consultation with Attorney - Pending Litigation (§ 551.071)****Active Litigation:**

Schindel v. Edwards Aquifer Auth. (W.D. Tex. Sept. 2, 2022)

**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 5:43 p.m.

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

A motion was made by Director Yanta, seconded by Secretary Youngblood, the board direct the EAA Board Chair to negotiate amendments to the General Manager's contract consistent with the general terms discussed in closed session, as amended. The motion passed without opposition.

K. 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 5:45 p.m.

Benjamin F. Youngblood III
Secretary, Board of Directors

Jennifer Wong-Esparza
Assistant to Board Secretary