



Edwards Aquifer Authority

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

Meeting Minutes Board of Directors

Tuesday, October 11, 2016

3:00 PM

EAA Board Room

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

Chairman Buckner called the meeting to order at 3:01 p.m.

Present: 10 - Director Amy Akers, Director Fohn Bendele, Chairman Luana Buckner, Director Rebekah Bustamante, Treasurer Ron Ellis, Vice Chair Susan Hughes, Director Don Laffere, Director Craig Massouh, Director Pat Stroka, and Director Ron Walton

Present: 7 - Director Rader Gilleland, Treasurer Byron Miller, Director Gary Middleton, Director Carol Patterson, Chair Enrique Valdivia, Director Scott Yanta and Secretary Ben Youngblood

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.)
- Upcoming Activities/Events (conferences, meetings, etc.)
- Operational Announcements (schedule changes, program updates, etc.)
- Recent Activities of the Edwards Aquifer Habitat Conservation Program
- Recent Legislative Activities
- Aquifer Conditions

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

- *Ms. Mariah Bonham was hired as an Environmental Coordinator for Aquifer Management Services.*
- *Mr. Brock Curry, Deputy General Manager, completed 20 years of service with the EAA.*
- *In directors' folders was a legislative update of highlights from the month of September from Carriage House Partners.*
- *Four EAA staff members volunteered to present modules at the Texas Hydro Geo Workshop hosted by the Bexar Grotto at Cave Without a Name on October 1 and 2. They included Geary Schindel, Jenny Adkins, Roger Andrade, and Steve Johnson. The event was attended by approximately 350 people from across Texas and the southwestern United States.*
- *Director Carol Patterson was awarded 1st place in the Yodeling and Hog Calling Contest at the 3rd Annual Texas Hydro Geo Workshop with her Walmart Call.*
- *Mr. Geary Schindel contributed a chapter in three recently published books. They included a chapter on Global Positioning Systems for Cavers in Caving Basics – A Comprehensive Guide for Beginning Cavers, a chapter on Cave Water Dangers and Rescue in On Call – A Manual of U.S. Cave Rescue Techniques, and An Overview of the National Speleological Society in Diamond Jubilee of the National Speleological Society – 75 years of Organized American Caving.*
- *As required by the Funding & Management Agreement of the HCP, all HCP Implementing Committee members submitted their respective 2017 HCP Funding Applications by October 1 to the EAA. The Funding Applications were the basis of the HCP budget that would be considered by the EAA for adoption. The applications would be presented to the HCP Implementing Committee on October 20, and to the EAA Finance/Administrative Committee on October 25. The full EAA board would consider the Funding Applications for adoption for the EAA budget on November 8.*
- *The week of October 14-20, was Minority Enterprise Development week (MED) as designated by the US Department of Commerce. In directors' folders was a flyer with information on the week's activities. The annual awards luncheon would be on Thursday, October 20, from 11:30-1:00 p.m. at the Norris Conference Center. The EAA was one of the sponsors and a member of the MED week consortium.*
- *On October 26, the South Central Texas Regional Certification Agency (SCTRCA) would host the annual 2016 Awards Luncheon at the Doubletree Airport Hotel, at 11:30 a.m. Keynote speakers would include State Senator Jose Menendez, and Hope Andrade, Chair of the VIA Transit Board of Trustees. In directors' folders was a flyer with more information.*
- *On October 28, the San Antonio Branch of the NAACP would host the annual Freedom Fund Dinner at the University of Incarnate Word (Rosenberg Sky Room). The EAA was one of the sponsors for this event.*
- *Directors were asked to update their contact information on their public access form.*
- *EAA staff, in particular Ms. Elizabeth Woody and her team, were thanked for their efforts in organizing and hosting the Water Forum event.*
- *Mr. Geary Schindel, Director/Chief Technical Officer - 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 2016.**

Treasurer Ellis presented the unaudited financial statements for August 2016.

E. Board Reports**E.1 Receive report from Director Gary Middleton, South Central Texas Water Advisory Committee (SCTWAC) representative to the board, regarding downstream water conditions of the Guadalupe River Basin and current activities and issues of interest to SCTWAC.**

Director Middleton briefed the board regarding downstream water conditions, and noted sufficient rains for the estuaries, the area was drying out a little, but it was better this year than normal. He also noted that the biennial report had been delivered.

F. Consent Agenda**F.1 Approval of previous board meeting minutes
- Regular Board Meeting - September 13, 2016**

*Approval of previous board meeting minutes
- Regular Board Meeting - September 13, 2016*

F.2 Consider recommendation from the Permits/Enforcement Committee to approve a settlement counter-offer from Dos Ninas, LP, related to exceeding authorized groundwater withdrawals during 2015.

Accept the proposed counter-offer from Dos Ninas, LP, regarding the pending enforcement matter.

F.3 Consider recommendation from the Permits/Enforcement Committee to approve leases of permitted Edwards groundwater rights with Frank A. Ramsey and New Fountain United Methodist Church, for the Aquifer Storage and Recovery Project of the San Antonio Water System, in support of the Edwards Aquifer Habitat Conservation Plan, in the total amount of \$45,644.00.

Approve leases of permitted Edwards groundwater rights from the permit holders as listed herein, to the EAA for the Aquifer Storage and Recovery Project of the San Antonio Water System in support of the Edwards Aquifer Habitat Conservation Plan, and authorizing the General Manager to execute the leases.

- F.4 Consider recommendation from the Permits/Enforcement Committee to approve a conversion of base irrigation groundwater owned by Cactus and Brush, LP, based on a change in land use.**

Adopt a Final Order Granting Application to Convert Base Irrigation Groundwater for Initial Regular Permit No. P100-734 (CO00128) based on changes in land use submitted by Cactus and Brush, LP.

[Attached and made a part of these minutes.]

- F.5 Consider recommendation from the Permits/Enforcement Committee to approve a conversion of base irrigation groundwater owned by Electric Transmission Texas, LLC, based on a change in land use.**

Adopt a Final Order Granting Application to Convert Base Irrigation Groundwater for Initial Regular Permit No. P108-161 (ME00355) based on changes in land use submitted by Electric Transmission Texas, LLC.

[Attached and made a part of these minutes.]

- F.6 Consider recommendation from EAA staff to approve an engagement letter with RSM US, L.L.P., to provide independent audit services for fiscal year 2016.**

Approve an engagement letter with RSM US, L.L.P., to provide independent audit services for fiscal year 2016, with an option to renew for up to two additional years.

- F.7 Consider recommendation from EAA staff to approve payment to Kemp Smith for legal services for August 2016.**

Approve payment to Kemp Smith for legal services for August 2016 in the amount of \$77,753.82.

- F.8 Consider recommendation from EAA staff to declare certain personal property of the EAA to be surplus and to authorize the disposal of the surplus property.**

Adopt Resolution and Order No. 10-16-855 of the Edwards Aquifer Authority Board of Directors declaring certain personal property of the EAA to be surplus and authorizing the General Manager to sell or otherwise dispose of the surplus property.

[Attached and made a part of these minutes.]

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

G. Individual Consideration

- G.1 Consider recommendation from the Executive Committee to approve priorities for the EAA's legislative program for the 85th Session of the Texas Legislature.**

Mr. Marc Friberg, Executive Director - External & Regulatory Affairs, briefed the board regarding EAA's legislative priorities for the 85th Session of the Texas Legislature.

A motion was made by Director Stroka, seconded by Treasurer Ellis, the board approve the EAA's legislative priorities for the 85th Session of the Texas Legislature. The motion passed viva voce.

[Attached and made a part of these minutes.]

- G.2 Consider recommendation from the Research & Technology Committee to approve a renewal and extension of Contract No. 12-611-AM, as previously amended, between the EAA and TestAmerica Laboratories, Inc., for analytical laboratory services in an amount not to exceed \$210,000, for the period January 1, 2017 through December 31, 2017.**

Mr. Geary Schindel, Director/Chief Technical Officer - Aquifer Science, briefed the board regarding the renewal and extension of the contract between the EAA and TestAmerica Laboratories, Inc., to provide analytical laboratory services for the period January 1, 2017 through December 31, 2017.

A motion was made by Vice Chairman Hughes, seconded by Director Patterson, the board adopt Resolution and Order No. 10-16-856 of the Board of Directors of the Edwards Aquifer Authority approving the renewal and extension of Contract No. 12-611-AM between the EAA and TestAmerica Laboratories, Inc., to provide analytical laboratory services in an amount not to exceed \$210,000, for the period January 1, 2017 through December 31, 2017, and authorizing the General Manager to execute the contract renewal. The motion passed viva voce.

[Attached and made a part of these minutes.]

- G.3 Consider recommendation from the Research & Technology Committee to approve a renewal, extension, and amendment of a contract with BIO-WEST, Inc., to continue to provide biological monitoring services for Comal and San Marcos Springs Ecosystems, in an amount not to exceed \$734,352.**

A motion was made by Vice Chairman Hughes, seconded by Director Patterson, the board adopt Resolution and Order No. 10-16-857 of the Edwards Aquifer Authority Board of Directors approving a one-year renewal, extension, and amendment of Contract No. 14-689-HCP, between the EAA and Bio-West, Inc., to continue to provide a biological monitoring program for Comal and San Marcos Springs ecosystems, in an amount not to exceed \$734,352, for the period January 1, 2017 through December 31, 2017, and authorizing the General Manager to execute the contract renewal. The motion passed viva voce.

[Attached and made a part of these minutes.]

- G.4 Consider recommendation from the Research & Technology Committee to approve a renewal, extension, and amendment of a contract with SWCA Incorporated to continue to provide water quality sampling and analysis for Comal and San Marcos springs ecosystems, in an amount not to exceed \$431,000.**

A motion was made by Vice Chairman Hughes, seconded by Director Bustamante, the board adopt Resolution and Order No. 10-16-858 of the Edwards Aquifer Authority Board of Directors approving a two-year renewal, extension, and amendment of Contract No. 13-656-HCP, between the EAA and SWCA Incorporated to continue to provide water quality sampling and analysis for Comal and San Marcos springs ecosystems, in an amount not to exceed \$431,000, for the period January 1, 2017 through December 31, 2018, and authorizing the General Manager to execute the contract renewal. The motion passed viva voce.

[Attached and made a part of these minutes.]

- G.5 Consider EAA staff recommendation to approve a contract with Express Information Systems, Inc., for the purchase and implementation of the Intaact Financial Management Cloud ERP Accounting Software in the amount of \$93,576.**

Mr. Felix Marquez, Executive Director - Administration & Financial Services, briefed the board regarding a contract with Express Information Systems, Inc., for the purchase and implementation of Intaact Financial Management Cloud ERP Accounting Software for the period October 12, 2016, through October 11, 2017.

A motion was made by Treasurer Ellis, seconded by Director Laffere, the board approve a contract with Express Information Systems, Inc., for the purchase and implementation of Intaact Financial Management Cloud ERP Accounting Software in the amount of \$93,576, for the period October 12, 2016, through October 11, 2017, and authorizing the General Manager to execute the contract. The motion passed viva voce.

- G.6 Consider EAA staff recommendation to approve the expenditure of funds to Doublehorn Communications for cloud computing brokerage services in an amount not to exceed \$80,000.**

Mr. Marquez briefed the board regarding the expenditure of funds to Doublehorn Communications for cloud computing brokerage services.

A motion was made by Treasurer Ellis, seconded by Director Laffere, the board approve the expenditure of funds to Doublehorn Communications for cloud computing brokerage services in an amount not to exceed \$80,000. The motion passed viva voce.

- G.7 Receive report and recommend possible action on open and concealed carry of weapons.**

Mr. Ruiz briefed the board regarding policy and practices regarding the open and/or concealed carry of weapons during EAA public meetings.

A motion was made by Treasurer Ellis, seconded by Director Laffere, to allow concealed carry by the public only, in public areas such as the lobby, board room, and caucus room, but not in work areas.

A motion was made by Vice Chairman Hughes, seconded by Director Youngblood, to table the motion by Treasurer Ellis and Director Laffere. The motion passed viva voce.

A motion was made by Treasurer Ellis, seconded by Director Laffere, to prohibit open carry of weapons during board meetings. The motion passed viva voce.

- G.8 Consider recommendation from EAA staff to authorize staff to hold public meetings on the 2017 proposed budget and aquifer management fee rates.**

Mr. Ruiz noted that the budget included money for an availability study for the M/WBE program.

A motion was made by Treasurer Ellis, seconded by Director Laffere, the board authorize staff hold public meetings to receive comment on the EAA 2017 proposed budget and aquifer management fee rates. 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:

The board did not meet in closed session.

I.1**Closed Session.**

1. Consultation with Attorney - Pending Litigation (§ 551.071)

Active Litigation:

League of United Latin Am. Citizens v. Edwards Aquifer Auth. (W.D. Tex. filed June 21, 2012)

In re Jaffe, No. 16-50355 (W.D. Tex. filed Feb. 12, 2016)

Active Litigation - Enforcement:

Edwards Aquifer Auth. v. Barnard (274th Hays Cnty. filed Oct. 6, 2010)

2. Consultation with Attorney - Attorney/Client Privileged Consultations (§ 551.071)
3. Consultation with Attorney - Settlement Offers (§ 551.071)
4. Consultation with Attorney (§ 551.071)
5. Deliberations Regarding Real Property (§ 551.072)
6. **Deliberations Regarding Personnel Matters (§ 551.074)**

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 any future meeting agenda items.

L. Adjournment.

There being no further business to discuss, the meeting adjourned at 4:06 p.m.

Enrique P. Valdivia
Secretary, Board of Directors

Jennifer Wong-Esparza
Assistant to Board Secretary