



Edwards Aquifer Authority

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

Meeting Minutes Board of Directors

Tuesday, March 14, 2017

3:00 PM

EAA Board Room

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

Chairman Buckner called the meeting to order at 3:05 p.m.

Present: 7 - Chairman Luana Buckner, Director Rebekah Bustamante, Treasurer Ron Ellis, Director Susan Hughes, Director Don Laffere, Director Craig Massouh, Director Ron Walton,

Absent: 3 - Director Amy Akers, Director Pat Stroka and Director Clark Ward

Present: 6 - Director Rader Gilleland, Director Gary Middleton, Director Carol Patterson, Vice Chair Enrique Valdivia, Director Scott Yanta and Secretary Ben Youngblood

Absent: 1 - Treasurer Byron Miller

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:

- *Mr. Clayton Rollins, Environmental Technician, completed five years of service with the EAA.*
- *Some adjustments were made to the organizational structure such that Ms. Elizabeth Woody was now an Executive Director and part of the senior leadership team, and Mr. Steve Johnson was now Director of Research.*
- *Staff has scheduled a tour of the SAWS H2Oaks Brackish Groundwater Desalination facility in far south Bexar County for the morning before the board meeting on Tuesday, April 11. Directors would depart the EAA at 10:00 a.m., have a guided tour of the facility, and return to the EAA around 1:00 p.m. Lunch would be served upon return to the EAA.*
- *Staff issued a Request for Proposals (RFP) for a third party to conduct an Availability Study related to the EAA's procurement patterns. This study was being commissioned to determine the availability of qualified vendors within the relevant geographic region that are ready to do business with the EAA as based on our contracting patterns. It is anticipated that an agreement may be awarded for this service in April and the results of this study would likely be reported to the Finance/Administrative Committee and board in the latter part of this year.*
- *The New Braunfels Utilities Aquifer Storage and Recovery contract was moving forward and would be considered by the Aquifer Management Planning Committee in April with staff recommendations.*
- *The EAHCP Implementing Committee approved the creation of an EAHCP Budget Work Group to assist in understanding the budgeting process, and Mr. Brock Curry, Deputy General Manager, would represent EAA interests.*
- *Mr. Marc Friberg, Executive Director External & Regulatory Affairs, briefed the board on the latest bills that staff was tracking, and in particular House Bill 2867, House Bill 3028, House Bill 3025, House Bill 3333, Senate Bill 1392, and Senate Bill 862.*
- *Mr. Geary Schindel, Chief Technical Officer/Director, briefed the board on current aquifer conditions.*

D. Treasurer's Report**D.1 Receive report from EAA staff on unaudited financial statements for January 2017.**

Treasurer Ellis presented the unaudited financial statements for January 2017.

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 Gary Middleton briefed the board regarding downstream water conditions of the Guadalupe River Basin, and noted that the river was above normal because of all the rain in the past weeks.

F. Consent Agenda

- F.1 Approval of previous board meeting minutes
 - Regular Board Meeting - February 14, 2017**

*Approval of previous board meeting minutes
 - Regular Board Meeting - February 14, 2017*

- F.2 Consider recommendation from the Permits/Enforcement Committee to approve a conversion of base irrigation groundwater owned by Curtis Boehme and Nelson Boehme, based on the installation of conservation equipment.**

Adopt a Final Order Granting Application to Convert Base Irrigation Groundwater for Initial Regular Permit No. P105-785 (ME00507) based on the installation of conservation equipment submitted by Curtis Boehme and Nelson Boehme.

[Attached and made a part of these minutes.]

- F.3 Consider recommendation from the Finance/Administrative Committee to approve payment to Kemp Smith for legal services for January 2017.**

Approve payment to Kemp Smith in the amount of \$56,685.98, for legal services for January 2017.

- F.4 Consider recommendation from the Finance/Administrative Committee to commission a study on the availability of minority-owned and woman-owned business enterprises within the EAA's jurisdiction.**

Direct staff to continue its efforts to commission an availability study of the minority-owned and woman-owned business enterprises within the EAA's jurisdiction able to conduct business in the areas in which the EAA seeks services.

A motion was made by Treasurer Ellis, seconded by Secretary Valdivia to approve the consent agenda. The motion passed viva voce.

G. Individual Consideration**G.1 Consider recommendation from the Permits/Enforcement Committee to approve a temporary moratorium on the processing of certain applications to convert base irrigation groundwater.**

Mr. Marc Friberg, Executive Director - External & Regulatory Affairs, briefed the committee regarding a temporary moratorium on the acceptance and processing of certain applications to convert base irrigation groundwater.

A motion was made by Secretary Valdivia, seconded by Director Laffere, the board approve a temporary moratorium on the acceptance and processing of certain applications to convert base irrigation groundwater, and direct general counsel to prepare such a moratorium for board consideration. The motion passed viva voce.

[Attached and made a part of these minutes.]

G.2 Consider recommendation from the Finance/Administrative Committee to approve an amended Edwards Aquifer Habitat Conservation Plan Program FY2017 Funding Application of the Edwards Aquifer Authority.

Mr. Nathan Pence, Executive Director - HCP, briefed the committee regarding approving an amendment to the EAHCP FY2017 Program Funding Application, increasing the funding request from \$16,147,247 to \$20,576,826, for the purpose of funding and implementing the Refugia Conservation and Adaptive Management Measure and the Ecological Modeling Adaptive Management Measure.

A motion was made by Treasurer Ellis, seconded by Director Massouh, the board adopt Resolution and Order No. 03-17-870 of the Edwards Aquifer Authority Board of Directors approving an amendment to the Edwards Aquifer Habitat Conservation Plan FY2017 Program Funding Application, increasing the funding request from \$16,147,247 to \$20,576,826, for the purpose of funding and implementing the Refugia Conservation and Adaptive Management Measure and the Ecological Modeling Adaptive Management Measure. The motion passed viva voce.

[Attached and made a part of these minutes.]

- G.3 Consider recommendation from the Finance/Administrative Committee to approve amendments to the 2017 EAHCP Operating Budget, increasing the appropriation for Refugia Operations by \$4,399,579, and for the Ecological Modeling project by \$30,000.**

Mr. Felix Marquez, Executive Director - Administration & Financial Services, briefed the committee regarding two amendments to the 2017 HCP Operating Budget which increase the 2017 HCP appropriation from \$16,147,247 to \$20,576,826, an increase of \$4,429,579.

A motion was made by Treasurer Ellis, seconded by Secretary Valdivia, the board approve amendments to the 2017 EAHCP Operating Budget, as described, increasing total program funding from \$16,147,247 to \$20,576,826. The motion passed viva voce.

H. Staff Reports

- H.1 Receive report from EAA staff regarding 2017 EAHCP Adaptive Management activities.**

Mr. Ruiz provided a brief introduction for this agenda item.

Mr. Nathan Pence, Executive Director - HCP, briefed the committee regarding proposed changes to the Edwards Aquifer Habitat Conservation Plan (EAHCP) to be made through the Adaptive Management Process (AMP). In 2017, the EAHCP Implementing Committee will be considering AMP changes to the Sediment Removal and Contaminated Runoff conservation measures in San Marcos, as well as to the EAA's Aquifer Storage and Recovery Program.

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:

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)

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 agenda items.

L. Adjournment.

There being no further business to discuss, the meeting adjourned at 3:52 p.m.

Enrique P. Valdivia
Secretary, Board of Directors

Jennifer Wong-Esparza
Assistant to Board Secretary