



Edwards Aquifer Authority

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

Meeting Minutes - Final

Board of Directors

Tuesday, July 11, 2017

3:00 PM

EAA Board Room

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

Chairman Buckner called the meeting to order at 3:24 p.m.

Present: 8 - Chairman Luana Buckner, Director Rebekah Bustamante, Treasurer Ron Ellis, Director Susan Hughes, Director Don Laffere, Director Craig Massouh, Director Pat Stroka, and Director Ron Walton

Absent: 2 - Director Amy Akers and Director Clark Ward

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
- Aquifer Conditions

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

- *Mr. Christopher "Chris" Morgan was hired as a Field Inspection Technician.*
- *Mr. Franklin "Paul" Bertetti was hired as Research Manager for Aquifer Management.*
- *Ms. Magdalena "Maggie" Veliz was hired as Employment and Benefits Supervisor for the Human Resources Department.*
- *Mr. Jared Morris was promoted from Applications Solutions Manager to Director of Information Technology.*
- *EAA shared, with selected stakeholders, a preliminary draft of potential rule change concepts for conversion of base irrigation groundwater based on changes of land use. Staff hopes to gather valuable preliminary feedback that would inform the drafting of formal proposed rules. Directors received a copy of the draft document that was shared.*
- *On June 23, in accordance with Article 4 of the Edwards Aquifer Habitat Conservation Plan (EAHCP) Funding and Management Agreement and on behalf of the Implementing Committee for the EAHCP, the EAA received the approved 2018 EAHCP Work Plans and draft budgets. EAA staff used these to populate the EAA HCP budget and as a planning and compliance tool to establish the work to be done in the next year. As a follow-up to the work plan submittal, in October, the EAHCP would submit the 2018 Funding Applications to the EAA that would represent the final proposed EAHCP budget as established by the Implementing Committee.*
- *Each director received a flyer for the Fair Contracting Coalition event on Wednesday, July 26 at 9:59 a.m. at the EAA.*
- *Mr. Jim Mayor, former SAWS Board Chairman, passed away and a memorial service was scheduled for July 14 at 12:30 p.m. at the Petroleum Club.*
- *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 May 2017.

Treasurer Ellis presented the unaudited financial statements for May 2017.

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

Approval of previous board meeting minutes

- **Regular Board Meeting - June 13, 2017**

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- F.2** Consider recommendation from the Permits/Enforcement Committee to approve a conversion of base irrigation groundwater owned by Don B. Meador and Karen S. Meador, based on the installation of conservation equipment.

Adopt a Final Order Granting Application to Convert Base Irrigation Groundwater for Initial Regular Permit No. P100-833 (HA00227) based on the installation of conservation equipment submitted by Don B. Meador and Karen S. Meador.

[Attached and made a part of these minutes.]

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

Approve payment to Kemp Smith in the amount of \$58,241.49, for legal services for May 2017.

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

G. Individual Consideration

- G.1** 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.

Ms. Alicia Reinmund-Martinez, Director - HCP, briefed the board regarding an amended Edwards Aquifer Habitat Conservation Plan Program FY2017 Program Funding Application for the EAA regarding funding increases for the Voluntary Irrigation Suspension Program Option (VISPO) Measure, and for the Aquifer Storage and Recovery (ASR) conservation measures for the remainder of 2017.

A motion was made by Treasurer Ellis, seconded by Director Stroka, the board adopt Resolution and Order No. 07-17-873 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 \$20,576,826, to \$21,077,826 for the purpose of providing additional funding and implementing the VISPO and ASR conservation measures. 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 for the City of San Marcos.

Ms. Reinmund-Martinez briefed the board regarding an amended EAHCP Program FY2017 Funding Application for the City of San Marcos.

A motion was made by Treasurer Ellis, seconded by Director Laffere, the board adopt Resolution and Order No. 07-17-874 of the Edwards Aquifer Authority Board of Directors approving an amendment to the Edwards Aquifer Habitat Conservation Plan FY2017 Program Funding Application for the City of San Marcos, increasing the funding request from \$611,000 to \$730,500, for the purpose of providing additional funding and implementing the LID/BMP conservation 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 appropriations for the EAA Conservation Measure Program and the City of San Marcos Conservation Measure program.

A motion was made by Treasurer Ellis, seconded by Director Laffere, the board approve amendments to the 2017 EAHCP Operating Budget, increasing the appropriation for EAA Conservation Measure Program by \$501,000, and for the City of San Marcos Conservation Measure program by \$89,500. The motion passed viva voce.

G.4 Consider recommendation from EAA staff to authorize a waiver of registration fees.

Mr. Marc Friberg, Executive Director - External & Regulatory Affairs, briefed the board regarding an outreach effort to encourage the registration of aboveground and underground storage tanks and facilities storing regulated materials in both urban and rural areas on both the Recharge and Contributing Zone of the Edwards Aquifer. EAA staff believes that a waiver of registration fees for any registrations received prior to January 1, 2018, would incentivize timely registration and benefit EAA efforts to build a related water quality database with collected information.

A motion was made by Director Patterson, seconded by Secretary Valdivia, the board adopt Resolution and Order No. 07-17-875 of the Edwards Aquifer Authority Board of Directors authorizing a waiver of registration fees for all registrations submitted prior to January 1, 2018. The motion passed viva voce.

[Attached and made a part of these minutes.]

H. Staff Reports

H.1 Receive report from EAA staff on the Five-Year Financial Forecast for fiscal years 2018-2022.

Ms. Hendrix briefed the board regarding the five-year financial forecast for fiscal years 2018 through 2022.

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 4:05 p.m.

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)**

Chairman Buckner reopened the meeting to the public at 4:13 p.m.

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

A motion was made by Director Youngblood, seconded by Director Miller, the board of directors direct legal counsel to close the Jaffe bankruptcy and enforcement matter as was discussed in closed session. The motion passed viva voce.

K. Discuss items for future board meeting agendas.

The board did not discuss future agenda items.

L. Adjournment.

There being no further business to discuss, the meeting adjourned at 4:14 p.m.

Enrique P. Valdivia
Secretary, Board of Directors

Jennifer Wong-Esparza
Assistant of Board Secretary