



Edwards Aquifer Authority

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

Meeting Minutes Board of Directors

Tuesday, September 12, 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 - Director Amy Akers, Chairman Luana Buckner, Director Rebekah Bustamante, Treasurer Ron Ellis, Director Don Laffere, Director Pat Stroka, and Director Clark Ward

Absent: 1 - Director Ron Walton

Present: 8 - Director Deborah Carington, Director Rader Gilleland, Director Kathleen Krueger, Director Gary Middleton, Treasurer Byron Miller, Director Carol Patterson, Chair Enrique Valdivia and Director Scott Yanta

Absent: 1 - Secretary Ben Youngblood

B. Public comment.

There were no citizens who requested to address the board.

C. Director Recognition.

C.1 Recognition of Outgoing Directors - Ms. Susan Hughes, Bexar County, and Mr. Craig Massouh, Comal County.

Chairman Luana Buckner and Mr. Roland Ruiz, General Manager, recognized Ms. Susan Hughes and Mr. Craig Massouh for their service to the EAA.

D. General Manager's announcements and reports.

D.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. Jose Rodriguez was hired as a Network Administrator for the Information Technology Department.*
- *Mr. Jorge Paramo, Compliance Coordinator, completed five years of service with the EAA.*
- *EAA staff attended the first NBU ASR workgroup meeting in New Braunfels. Staff from the Aquifer Science team met with NBU staff and their consultants to discuss the general requirements of the ILA and the detailed requirements of the Background Water Level and Water Quality Report to be generated by EAA staff. Other discussions included potential completion details for future ASR-related monitoring wells, monitoring equipment selection, and meeting frequency. The next meeting was scheduled for November.*
- *Staff was currently working to develop a formal assistance agreement with Wet Rock Groundwater and Heritage Commodity to provide technical assistance and feedback regarding a potential aquifer recharge storage and recovery project. At this point the agreement would be fairly limited in scope, whereby EAA staff would provide feedback on model runs and other technical analysis performed by the project owner's consultants as they attempt to determine the feasibility of the potential project. This project was introduced to the board via letter in January – according to the letter, Heritage Commodity was a group from Val Verde County looking to acquire and use recharge credits to supply water to utilities in the region.*
- *Directors were reminded about the upcoming Board Work Session.*
- *Directors received a copy of an EAA brochure regarding STEM programs and school education, and a brochure on the Edwards Aquifer Protection Program.*
- *Mr. Geary Schindel, Chief Technical Officer/Director, briefed the board on current aquifer conditions.*

E. Treasurer's Report**E.1**

Receive report from EAA staff on unaudited financial statements for July 2017.

Treasurer Ellis presented the unaudited financial statements for July 2017.

F. Board Reports

F.1 Receive report from EAA staff and ARCADIS U.S., Inc. on the final summary of the San Antonio Water System Meter Implementation Projects.

Mr. Earl Parker, Director - Regulatory Affairs, introduced Mr. Jose Barela, Field Inspection Supervisor, and Mr. Fred Blumberg, ARCADIS U.S., Inc. Mr. Blumberg briefed the board on the final report summarizing the achievements of both meter implementation agreements.

G. Consent Agenda

G.1 Approval of previous board meeting minutes

- Special Board Meeting - August 8, 2017**
- Regular Board Meeting - August 8, 2017**

Approval of previous board meeting minutes
- Special Board Meeting - August 8, 2017
- Regular Board Meeting - August 8, 2017

G.2 Consider recommendation from the Finance/Administrative Committee to consider payment to Kemp Smith for legal services for July 2017.

Approved payment to Kemp Smith in the amount of \$46,137.22, for legal services for July 2017.

G.3 Consider recommendation from the Finance/Administrative Committee to authorize the General Manager to submit the Edwards Aquifer Habitat Conservation Program FY2018 draft Funding Application to the EAHCP process.

Authorized the General Manager to submit the EAA's FY 2018 Program Funding Application to the EAHCP process.

G.4 Consider recommendation from the Finance/Administrative Committee to approve a Memorandum of Understanding with City of San Antonio Zoo for the development of an Edwards Aquifer Conservation and Education Exhibit within the San Antonio Zoo.

Approved a Memorandum of Understanding between the EAA and City of San Antonio Zoo, for the development of an Edwards Aquifer Conservation and Education Exhibit within the San Antonio Zoo.

- G.5 Consider recommendation from the Finance/Administrative Committee to approve amendments to the 2017 EAA Operating Budget, increasing the appropriations for the purchase of flow meters and for the awarding of conservation grants, funded by grants from the Texas Water Development Board.**

Approved amendments to the 2017 EAA Operating Budget, increasing the appropriation for the awarding of conservation grants by \$100,000, and for the purchase of flow meters by \$7,500.

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

H. Individual Consideration

- H.1 Consider recommendation from the Permits/Enforcement Committee to accept the settlement counter-offer from Pesca Pluma, LLC, a Texas limited liability company, related to exceeding authorized groundwater withdrawals during 2016.**

Mr. Earl Parker briefed the board regarding the settlement counter-offer from Pesca Pluma, LLC.

A motion was made by Secretary Valdivia, seconded by Director Miller, the board accept the counter-offer regarding the pending enforcement matter presented. The motion passed viva voce.

- H.2 Consider recommendation from the Research & Technology Committee to approve a Joint Funding Agreement with the United States Geological Survey for groundwater model uncertainty analysis in an amount not to exceed \$130,000.**

A motion was made by Director Patterson, seconded by Secretary Valdivia, the board approve Joint Funding Agreement No. 17-867-AM between the EAA and the United States Geological Survey for groundwater model uncertainty analysis for a total amount of \$130,000, of which the EAA contribution will not exceed \$69,000, for the period October 1, 2017, through March 31, 2019, and authorizing the General Manager to execute the agreement. The motion passed viva voce.

[Attached and made a part of these minutes.]

- H.3 Consider recommendation from the Research & Technology Committee to approve a Joint Funding Agreement with the United States Geological Survey for hydrostratigraphic mapping, in an amount not to exceed \$462,000.**

A motion was made by Director Patterson, seconded by Director Laffere, the board adopt Resolution and Order No. 09-17-878 of the Edwards Aquifer Authority Board of Directors approving Joint Funding Agreement No. 17-865-AM between the EAA and the United States Geological Survey, for Phase 3 hydrostratigraphic mapping, in an amount not to exceed \$462,000, of which the EAA portion of funding will not exceed \$372,000, for the period October 2017 through September 2020, and authorizing the General Manager to execute the agreement. The motion passed viva voce.

[Attached and made a part of these minutes.]

- H.4 Consider recommendation from the Research & Technology Committee to approve a Joint Funding Agreement between the EAA and the United States Geological Survey for stream and spring flow data collection, in an amount not to exceed \$500,830.**

A motion was made by Director Patterson, seconded by Secretary Valdivia, the board adopt resolution and order No. 09-17-879 of the Edwards Aquifer Authority Board of Directors approving Joint Funding Agreement No. 17-866-AM between the EAA and the United States Geological Survey for data collection services for a total amount of \$500,830, of which the EAA contribution will not exceed \$351,715, for the period October 1, 2017 through September 30, 2018, and authorizing the General Manager to execute the agreement. The motion passed viva voce.

[Attached and made a part of these minutes.]

- H.5 Consider recommendation from the Research & Technology Committee to approve a contract renewal 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 Director Patterson, seconded by Director Stroka, the board adopt Resolution and Order No. 09-17-880 of the Edwards Aquifer Authority Board of Directors approving a one-year renewal, of Contract No. 14-689-HCP, between the EAA and Bio-West, Inc., 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, 2018 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.]

- H.6 Consider recommendation from the Research & Technology Committee to approve the purchase of data loggers, rain gauges, associated hardware and software, and services from Sutron Corp. in the amount not to exceed \$251,600.**

Mr. Jim Winterle, Modeler Manager, answered questions from the board regarding the purchase of data loggers, rain gauges, associated hardware and software, and services from Sutron Corporation.

A motion was made by Director Patterson, seconded by Secretary Valdivia, the board adopt Resolution and Order No. 09-17-881 of the Edwards Aquifer Authority Board of Directors approving a contract between the EAA and Sutron Corporation for the purchase of data loggers, rain gauges, associated hardware and software, and services, in an amount not to exceed \$251,600, for the period September 13, 2017 through December 31, 2019. The motion passed viva voce.

[Attached and made a part of these minutes.]

- H.7 Consider recommendation from the Aquifer Management Planning Committee to renew and extend an Interlocal Cooperation Contract with the Evergreen Underground Water Conservation District to conduct a Precipitation Enhancement Program, in an amount not to exceed \$163,000.**

Mr. Marc Friberg introduced this item, and Mr. Kendell LaRoche, Project Meteorologist - South Texas Weather Modification Association.

Mr. LaRoche briefed the board regarding a report on recent PEP activities and their associated impacts, and answered questions from the board.

A motion was made by Director Stroka, seconded by Director Krueger, the board adopt Resolution and Order No. 09-17-882 of the Edwards Aquifer Authority Board of Directors approving a one-year renewal and extension of Interlocal Cooperation Contract No. 15-775-ERA between the EAA and Evergreen Underground Water Conservation District to conduct precipitation enhancement activities, in an amount not to exceed \$163,000, for the period October 1, 2017 through September 30, 2018, and authorize the General Manager to execute the renewal. The motion passed viva voce. The following directors voted in opposition to the motion (Akers, Bustamante, Laffere, Patterson, and Yanta), and one director abstained (Miller).

[Attached and made a part of these minutes.]

H.8 Consider recommendation from the Permits/Enforcement Committee to approve Proposed Rules regarding conversion of base irrigation groundwater.

Mr. Friberg briefed the board regarding Proposed Rules regarding the conversion of base irrigation groundwater ("BIG") to Unrestricted Irrigation Groundwater. These Proposed Rules pertain to BIG conversions based on changes in land use and other property-related limitations.

A motion was made by Secretary Valdivia, seconded by Director Laffere, the board approve Proposed Rules regarding conversion of base irrigation groundwater. The motion passed viva voce.

[Attached and made a part of these minutes.]

I. Staff Reports

I.1 Receive report from EAA staff on the General Manager's 2018 Proposed Operating Budget.

Ms. Shelly Hendrix, Director/Controller Financial Services, presented the General Manager's 2018 Proposed Operating Budget, and discussed proposed budget highlights.

J. 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:

J.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)

Active Litigation - Enforcement:

Edwards Aquifer Auth. v. Barnard (274th Hays Cty. 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.

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

The board did not consider any recommendations.

L. Discuss items for future board meeting agendas.

The board did not discuss future board meeting agenda items.

M. Adjournment.

There being no further business to discuss, the meeting adjourned at 5:07 p.m.

Enrique P. Valdivia
Secretary, Board of Directors

Jennifer Wong-Esparza
Assistant to Board Secretary