



Edwards Aquifer Authority

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

Meeting Minutes Board of Directors

Tuesday, January 9, 2018

3:00 PM

EAA Board Room

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

Chairman Buckner called the meeting to order at 3:03 p.m.

Present: 15 - Director Amy Akers, Chairman Luana Buckner, Director Deborah Carington, Treasurer Ron Ellis, Director Rader Gilleland, Director Kathleen Krueger, Director Don Laffere, Director Byron Miller, Director Carol Patterson, Director Pat Stroka, Secretary Enrique Valdivia, Director Ron Walton, Director Clark Ward, Director Scott Yanta and Vice Chairman Ben Youngblood

Absent: 1 - Director Gary Middleton

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. Paul Aton, Permit Coordinator, completed 10 years of service with the EAA.*
- *A news article was published in the Uvalde Leader News on December 24 relating to the recent adoption of amendments to the EAA Base Irrigation Groundwater (BIG) rules regulating the conversion of BIG to unrestricted due to changes in land use, and the subsequent reaction of the Uvalde Groundwater Conservation District. A responsive editorial piece was submitted this week to the Uvalde paper on behalf of Chairman Buckner.*
- *Freelance journalist, Elda Silva, would be writing "feature" board bios that tell a story of each EAA director. This would coincide with the redevelopment and launch of the EAA website this February and would help promote our strategic communication goals.*
- *The South Central Texas Regional Certification Agency (SCTRCA) would hold their annual "Awards Luncheon: Together Towards Tomorrow" at the Pearl on Wednesday, February 21, 2018 from 11:30 a.m. – 1:00 p.m. featuring keynote speaker Bexar County Judge Nelson Wolff. Directors received a copy of the flyer for the luncheon.*
- *Directors were asked to provide any final 2017 expense reimbursement forms with receipts to staff.*
- *The Aquifer Storage Recovery Advisory Committee was scheduled to meet on January 19.*
- *Staff was looking at potential dates for a one-day work session in April.*
- *Mr. Steve Johnson, Director - Aquifer Science, briefed the board regarding aquifer conditions.*

The board considered items out of order on the agenda and considered agenda item H.1 after agenda item C.1.

H.1

Receive report from EAA staff on the EAHCP Adaptive Management Process regarding the San Antonio Water System Aquifer Storage and Recovery Springflow Protection Measure.

Mr. Marc Friberg, Executive Director - External & Regulatory Affairs, briefed the board regarding an update on the EAHCP Adaptive Management Process regarding the San Antonio Water System Aquifer Storage and Recovery Springflow Protection Measure.

D. Treasurer's Report**D.1**

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

Treasurer Ellis presented the unaudited financial statements for November 2017.

E. Board Reports**F. Consent Agenda****F.1 Approval of previous board meeting minutes
- Regular Board Meeting - December 12, 2017**

*Approval of previous board meeting minutes
- Regular Board Meeting - December 12, 2017*

F.2 Consider recommendation from the Executive Committee to approve payment to Kemp Smith for legal services for November 2017.

Approve payment to Kemp Smith in the amount of \$68,551.14, for legal services for November 2017.

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

G. Individual Consideration**G.1 Consider accepting the resignation of Director Rebekah Bustamante and declaring the vacancy of EAA Director District 3 in Bexar County.**

Mr. Ruiz briefed the board regarding the resignation of Director Bustamante.

A motion was made by Director Patterson, seconded by Director Miller, the board accept the resignation of Director Rebekah Bustamante and declare the vacancy of Edwards Aquifer Authority Director District 3 in Bexar County. The motion passed viva voce.

G.2 Consider recommendation from the Executive Committee to amend and extend the terms of a contract with Gonzalez Maintenance Construction for renovations to the EAA office facility, and to ratify expenses incurred in 2017.

Chairman Buckner briefed the board regarding the extension of the terms of the contract with Gonzalez Maintenance Construction for renovations to the EAA office facility.

A motion was made by Treasurer Ellis, seconded by Director Laffere, the board approve amendments to Contract No. 17-872-AFS with Gonzalez Maintenance Construction for renovations to the EAA office facility through March 31, 2018 for a total amount not to exceed \$66,510, and ratify expenses incurred in 2017 in excess of the General Manager's signature authority. The motion passed viva voce.

G.3 Consider recommendation from EAA staff to extend authorization of a waiver of registration fees.

Mr. Friberg briefed the board regarding the waiver of registration fees in 2017 to help incentivize registration of aboveground and underground storage tanks and facilities. Staff believed that such a waiver would also be an incentive to self-report abandoned wells and would benefit the EAA's well canvassing efforts. Because the 2017 waiver proved to be beneficial, staff wanted to extend the waiver of registration fees through December 31, 2018.

A motion was made by Director Patterson, seconded by Director Stroka, the board adopt Resolution and Order No. 01-18-894 of the Edwards Aquifer Authority Board of Directors authorizing a waiver of registration fees for all registrations submitted prior to December 31, 2018. The motion passed viva voce.

[Attached and made a part of these minutes.]

G.4 Consider amendments to the employment agreement with General Manager Roland Ruiz.

A motion was made by Director Stroka, seconded by Director Yanta, the board amend the employment agreement with Mr. Roland Ruiz, as presented. 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:

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)

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.

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 agenda items.

L. Adjournment.

There being no further business to discuss, the meeting adjourned at 3:55 p.m.

Enrique P. Valdivia
Secretary, Board of Directors

Jennifer Wong-Esparza
Assistant to Board Secretary