



Edwards Aquifer Authority

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

Meeting Minutes - Final

Board of Directors

Tuesday, April 10, 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: 16 - Director Amy Akers, Chairman Luana Buckner, Director Deborah Carington, Treasurer Ron Ellis, Director Rader Gilleland, Director Kathleen Krueger, Director Don Laffere, Director Gary Middleton, 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

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

Chairman Buckner provided her quarterly report to the board:

- AACOG - Attended the 50th Anniversary Dinner along with Mr. Brock Curry, Deputy General Manager.
- Uvalde County - Attended two meetings regarding litigation with Uvalde County.

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

- Ms. Desarae Clayburg was hired as Finance Supervisor for Financial Services.
- Mr. Roberto Esquilin, Senior Hydrogeologist, completed 20 years of service with the EAA.
- Mr. Steve Johnson, Director - Aquifer Science and Research, was retiring after 20 years of service with the EAA.
- To compliment the submittal of the HCP's 2017 Annual Report to USFWS, directors received a copy of the executive summary of the HCP's major achievements thus far. The summary provides background information about the HCP, while communicating major achievements implemented in 2017.
- The fence installation process would begin at the end of this week, and part of the parking lot would be closed on April 13.
- Mr. Johnson briefed the board regarding current aquifer conditions.

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

Receive report from EAA staff on unaudited financial statements for February 2018.

Treasurer Ellis presented the unaudited financial statements for February 2018.

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, SCTWAC, briefed the board regarding downstream water conditions, and noted that the river was about three inches below normal, and it was damp, cold, and wet, which was unusual for this time of year.

F. Consent Agenda**F.1 Approval of previous board meeting minutes**

- Special Board Meeting - March 13, 2018
- Regular Board Meeting - March 13, 2018

Approval of previous board meeting minutes

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- Regular Board Meeting - March 13, 2018

F.2 Consider recommendation from the Finance/Administrative Committee to approve a contract with Wickley, LLC, for continued programming and maintenance of EAA websites, in an amount not to exceed \$90,000.

Approve Contract No. 18-890-CD between the EAA and Wickley, LLC, for continued programming and maintenance of three (3) EAA websites, in an amount not to exceed \$90,000, for the period May 1, 2018, through April 30, 2019, with an option to renew for four additional years.

F.3 Consider recommendation from the Finance/Administrative Committee to approve purchases in 2018 with SHI for technology hardware and software not to exceed \$100,000.

Approve the purchase of technology hardware and software from SHI through 2018 in an amount not to exceed \$100,000.

F.4 Consider recommendation from the Finance/Administrative Committee 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. 04-18-900 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.]

F.5 Consider recommendation from the Finance/Administrative Committee to approve payment to Kemp Smith for legal services for February 2018.

Approve payment to Kemp Smith in the amount of \$80,170.05, for legal services for February 2018.

F.6 Consider recommendation from the Finance/Administrative Committee to approve payment to Lloyd Gosselink Rochelle & Townsend, P.C., for legal services for February 2018.

Approve payment to Lloyd Gosselink in the amount of \$5,177.90, for legal services for February 2018.

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

G. Individual Consideration

G.1 Receive report from independent auditor, RSM LLP, and consider recommendation from the Finance/Administrative Committee to accept the audit report for the 12-month period of January 1, 2017, through December 31, 2017.

Mr. Joel Perez, Jr., Engagement Partner, RSM LLP, briefed the board regarding the audit results, and required communication. Mr. Perez introduced Mr. Bob Williams, Subcontractor (Minority Participation), who reported that the diversity and minority program went well.

A motion was made by Treasurer Ellis, seconded by Director Laffere, the board accept the audit report as presented by independent auditor, RSM LLP, for the 12-month fiscal period of January 1, 2017, through December 31, 2017. The motion passed viva voce.

G.2 Consider recommendation from the Finance/Administrative Committee to hire a legal consultant to support the EAA's enforcement program.

Mr. Marc Friberg, Executive Director - External & Regulatory Affairs, briefed the board regarding hiring a legal consultant to support the EAA's enforcement program.

A motion was made by Treasurer Ellis, seconded by Secretary Valdivia, the board initiate the process to solicit a legal consultant to support the EAA's enforcement program and represent the EAA Board of Directors during the processing of any contested administrative orders related to enforcement actions and recommend that the board deviate from the EAA Bylaws and use an RFP process in lieu of an RFQ process. The motion passed viva voce.

G.3

Consider recommendation from the Executive Committee to direct the General Manager to negotiate a contract with Baer Engineering and Environmental Consulting, Inc., to conduct agricultural aboveground storage tank assessment and consulting services.

Mr. Friberg briefed the board regarding negotiating a contract with the most qualified firm to conduct agricultural aboveground storage tank assessment and consulting services. These services would be used to help facilitate the implementation of the financial assistance program the EAA intends to provide for the upgrade to secondary containment for agricultural tanks storing regulated substances over the Edwards Aquifer Recharge Zone.

A motion was made by Director Stroka, seconded by Director Laffere, the board select Baer Engineering and Environmental Consulting, Inc., as the most qualified, and authorize the General Manager to negotiate a contract with this firm to conduct agricultural aboveground storage tank assessment and consulting services. The motion passed viva voce.

A motion was made by Director Stroka, seconded by Secretary Valdivia, the board approve the following ranked order listing of potential firms to conduct agricultural aboveground storage tank assessment and consulting services:

- 1. Baer Engineering and Environmental Consulting, Inc.**
- 2. Golder Associates Inc.**
- 3. Arcadis U.S., Inc.**

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:

Chairman Buckner closed the meeting to the public at 3:31 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)

Uvalde Cty. UWCD. v. Edwards Aquifer Auth. (38th Uvalde Cty. filed Jan. 16, 2018)

Active Litigation - Enforcement:

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 4:28 p.m.

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

A motion was made by Vice-Chairman Youngblood, seconded by Director Akers, the board authorize counsel to move to dismiss with prejudice *EAA v. Bradley Barnard*, No. 10-1845 (274th Dist. Ct., Hays Cty., Tex.) in light of staff's determination that Bradley Barnard has complied with the terms of the compromise and settlement agreement with the EAA entered into in December 2016. The motion passed viva voce.

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 4:30 p.m.

Enrique P. Valdivia
Secretary, Board of Directors

Jennifer Wong-Esparza
Assistant to Board Secretary