



Meeting Minutes

Board of Directors

Tuesday, June 12, 2018

3:00 PM

EAA Board Room

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

Chairman Buckner called the meeting to order at 3:06 p.m.

B. Public comment.

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

Director Deborah Carington acknowledged General Manager Roland Ruiz's trip to Memphis, Tennessee to present the story of the Edwards Aquifer, which was at the invitation of an organization known as Protect Our Aquifer. Other event co-sponsors included the Wolff River Conservancy, the University of Memphis, the Sierra Club, Clean Memphis, and the Southern Environmental Law Center.

Director Carol Patterson announced that she would be serving on a technical advisory committee in support of a new strategic development planning effort for the San Antonio International Airport. She would make periodic reports to the board in order to keep them informed.

Mr. Brock Curry, Deputy General Manager, made the following announcements:

- *Mr. Juan "John" Camacho II was hired as an Electronics Technician.*
- *Mr. Paul Bertetti has been promoted from Research Manager to Director of Aquifer Science.*
- *As of this past Sunday, the San Antonio Pool was in Stage 2 critical period management. Paul would provide the board with more information regarding weather trends.*
- *As was mentioned in his email last week, Roland and Marc Friberg met with the Lt. Governor's staff on May 30 to brief them on pending litigation. Last Monday, they met with Senator Charles Perry (chairman of the Senate Committee on Agriculture, Water, & Rural Affairs) for the same purpose, before hopping a plane to Amarillo. On Tuesday, Roland briefed the House Committee on Natural Resources, chaired by Rep. Lyle Larson at its meeting in Palo Duro Canyon.*
- *Directors received an updated board phone directory.*
- *Mr. Bertetti briefed the board on current aquifer conditions and weather trends.*

D. Treasurer's Report**D.1 Receive report from EAA staff on unaudited financial statements for April 2018.**

Treasurer Ellis presented the unaudited financial statements for April 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 river flow was down, it was dry and hot, and barely six inches of rain has fallen since January. He also noted that the SCTWAC biannual report was in the process of being completed, and should be ready in October or early November.

F. Consent Agenda**F.1 Approval of previous board meeting minutes
- Regular Board Meeting - May 8, 2018**

*Approve previous board meeting minutes
- Regular Board Meeting - May 8, 2018*

F.2 Consider recommendation from the Permits/Enforcement Committee to approve an application to convert base irrigation groundwater owned by Ernest J. Evers, Jr. and Diana M. Evers, based on a change in land use.

Adopt a Final Order Granting Application to Convert Base Irrigation Groundwater for Initial Regular Permit No. P108-515 (ME00455) based on a change in land use submitted by Ernest J. Evers, Jr. and Diana M. Evers.

[Attached and made a part of these minutes.]

F.3 Consider recommendation from the Permits/Enforcement Committee to approve an application to convert base irrigation groundwater owned by AVB Construction, LLC and Israel Baltazar, based on a change in land use.

Adopt a Final Order Granting Application to Convert Base Irrigation Groundwater for Initial Regular Permit No. P108-523 based on a change in land use submitted by AVB Construction, LLC and Israel Baltazar.

[Attached and made a part of these minutes.]

- F.4 Consider recommendation from the Permits/Enforcement Committee to approve an application to convert base irrigation groundwater owned by City of San Antonio, based on a change in land use.**

Adopt a Final Order Granting Application to Convert Base Irrigation Groundwater for Initial Regular Permit No. P100-042 (BE00019) based on a change in land use submitted by City of San Antonio.

[Attached and made a part of these minutes.]

- F.5 Consider recommendation from the Finance/Administrative Committee to approve an agreement with Valley View Consulting, LLC, to serve as the EAA investment advisor in an estimated amount not to exceed \$50,000.**

Approve an agreement with Valley View Consulting, LLC, to serve as the EAA investment advisor for the period July 13, 2018 through June 30, 2020, in an amount not to exceed \$50,000.

- F.6 Consider recommendation from the Finance/Administrative Committee to approve payment to Kemp Smith for legal services for April 2018.**

Approve payment to Kemp Smith in the amount of \$73,045.24, for legal services for April 2018.

- F.7 Consider recommendation from the Finance/Administrative Committee to approve payment to Lloyd Gosselink Rochelle & Townsend, P.C., for legal services for April 2018.**

Approve payment to Lloyd Gosselink in the amount of \$1,997.40 for legal services through April 30, 2018.

- F.8 Consider recommendation from the Executive Committee to nominate General Manager Roland Ruiz as a water districts representative to the South Central Texas Regional Water Planning Group.**

Nominate General Manager Roland Ruiz as a Water Districts representative on the South Central Texas Regional Water Planning Group (Region L).

A motion was made by Director Miller, seconded by Vice-Chairman Youghblood, to approve the consent agenda. The motion passed viva voce. Director Laffere voted in opposition to agenda items F.2, F.3, and F.4, and abstained from the vote on agenda item F.7.

G. Individual Consideration

- G.1 Consider recommendation from the Permits/Enforcement**

Committee to approve an application to convert base irrigation groundwater owned by Vandenburg Farms, Inc., Wayne & Patrick Stein, that is in excess of the one acre-foot per acre of historically irrigated land.

Mr. Omar Garcia, Permits Supervisor, briefed the board regarding an application to convert base irrigation groundwater to unrestricted irrigation groundwater based on a conversion of stacked base submitted by Vandenburg Farms, Inc., Wayne & Patrick Stein.

A motion was made by Secretary Valdivia, seconded by Vice-Chairman Youngblood, the board adopt a Final Order Granting Application to Convert Base Irrigation Groundwater for Initial Regular Permit No. P100-251 (ME00539) based on a conversion of stacked base submitted by Vandenburg Farms, Inc., Wayne & Patrick Stein. The motion passed viva voce. Director Laffere voted in opposition to the motion.

[Attached and made a part of these minutes.]

G.2

Consider recommendation from the Executive Committee to approve a contract with Baer Engineering and Environmental Consulting, Inc., to conduct agricultural aboveground storage tank assessment and consulting services, in an amount not to exceed \$56,620.44.

Mr. Marc Friberg, Executive Director - External & Regulatory Affairs, briefed the board regarding a contract with Baer Engineering and Environmental Consulting, Inc., to conduct agricultural aboveground storage tank assessment and consulting services.

A motion was made by Secretary Valdivia, seconded by Director Patterson, the board approve a contract between the EAA and Baer Engineering and Environmental Consulting, Inc., to conduct agricultural aboveground storage tank assessment and consulting services, in an amount not to exceed \$56,620.44 for the period June 13, 2018, through December 31, 2018. 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 3:35 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 4:12 p.m.

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 4:12 p.m.

*Enrique P. Valdivia
Secretary, Board of Directors*

Jennifer Wong-Esparza
Assistant to Board Secretary