



Edwards Aquifer Authority

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

Meeting Minutes - Final

Board of Directors

Tuesday, October 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 3:00 p.m.

Present: 11 - Chairman Luana Buckner, Director Deborah Carington, Treasurer Ron Ellis, Director Rader Gilleland, Director Kathleen Krueger, Director Don Laffere, Director Carol Patterson, Secretary Enrique Valdivia, Director Ron Walton, Director Scott Yanta and Vice Chairman Ben Youngblood

Absent: 4 - Director Gary Middleton, Director Byron Miller, Director Pat Stroka and Director Clark Ward

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:

- *Ms. Mounika Dereddy was hired as a Database Administrator for Information Technology Services.*
- *Mr. Brent Doty was promoted from Aquifer Protection Supervisor to Research Manager.*
- *Ms. Taylor Bruecher, Environmental Analyst, was transferred to Aquifer Science as the new Hydrologic Coordinator.*
- *Ms. Iris Lucas, Administrative Assistant I, completed five years of service with the EAA.*
- *Ms. Sarah Eason, Lead GIS Analyst, completed five years of service with the EAA.*
- *Directors were given notice that the board group photo and individual photos would be taken in December.*
- *The EAA received a copy of the NAS Report and would present it to the R&T Committee later this month.*
- *Directors received a flyer for the Minority Enterprise Development (MED) week consortium. The annual awards luncheon was scheduled for Thursday, October 11, 2018 from 11:30 - 1:00 p.m. at the Norris Conference Center. The EAA was a sponsor of this luncheon.*
- *Committee meetings would not be scheduled in November, but staff would provide a tour of Seco Sinkhole on November 27 for directors who are interested.*
- *Due to the timing of election results and state-wide canvassing deadline requirements, we will most likely be required to hold a special board meeting on November 20th in order to officially canvass the election results for EAA Director districts 7 and 9.*
- *Mr. Paul Bertetti, Director of Aquifer Science, briefed the board on current aquifer conditions.*

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

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

Treasurer Ellis presented the unaudited financial statements for August 2018.

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

- F.1 Approval of previous board meeting minutes**
- Regular Board Meeting - September 11, 2018
 - Special Board Meeting - September 21-22, 2018

Approval of previous board meeting minutes

- Regular Board Meeting - September 11, 2018
- Special Board Meeting - September 21-22, 2018

- F.2 Consider recommendation from the Permits/Enforcement Committee to approve an application to convert base irrigation groundwater owned by Pulte Homes of Texas and HDC Westlake, LLC, based on a change in land use.**

Adopt a Final Order Granting Application to Convert Base Irrigation Groundwater for Regular Permit No. P108-769 (BE00064) based on a change in land use submitted by Pulte Homes of Texas and HDC Westlake, LLC.

[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 Pulte Homes of Texas and HDC Westlake, LLC, based on a change in land use.**

Adopt a Final Order Granting Application to Convert Base Irrigation Groundwater for Regular Permit No. P108-770 (BE00064) based on a change in land use submitted by Pulte Homes of Texas and HDC Westlake, LLC.

[Attached and made a part of these minutes.]

- F.4 Consider EAA staff recommendation to approve the 2020 plan agreement with the Texas Counties and District Retirement System.**

Adopt Resolution and Order No. 10-18-912 of the Edwards Aquifer Authority Board of Directors approving the plan agreement with the Texas Counties and Districts Retirement System, for the period January 1, 2019 through December 31, 2019.

[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 August 2018.**

Approve payment to Kemp Smith in the amount of \$60,957.64, for legal services for August 2018.

- F.6 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. 10-18-913 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.]

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

G. Individual Consideration

- G.1 Consider recommendation from the Permits/Enforcement Committee to approve ASR springflow protection program forbearance agreements with William Cecil Reagan, Jr., individually, and Trustee William Cecil Reagan GST Exempt Trust 2, Robert Carl Reagan, individually, and Trustee William Cecil Reagan GST Exempt Trust 1, and Trustee Robert Carl Reagan Trust, Cecile Tindall Graham, BFPL, Ltd., J. Allen Carnes, Vicki Jean Hagen, Malvern J. Benke and Deborah Keller Benke, husband and wife, William George Reichert Trust, Deborah Ann Benke, Mark Thomas Huffstutler ETUX Kimberly Fulton Huffstutler and Roger L. Berry and William O. Berry for the Aquifer Storage and Recovery Forbearance Program, in support of the Edwards Aquifer Habitat Conservation Plan, in the total amount of \$2,940,379.00.**

Mr. Javier Hernandez, Special Projects Liaison, briefed the board regarding ASR springflow protection program forbearance agreements.

A motion was made by Secretary Valdivia, seconded by Director Patterson, the board approve springflow protection program forbearance agreements with the permit holders listed, to the EAA for the Aquifer Storage and Recovery Program in support of the Edwards Aquifer Habitat Conservation Plan, and authorize the General Manager to execute the agreements. The motion passed viva voce.

- G.2** Consider recommendation from the Permits/Enforcement Committee to approve Voluntary Irrigation Suspension Program Option (VISPO) forbearance agreements with Lonesome Dove Corner, LLC and Rocky Ridge Mountain, LLC, KNJK Family Limited Partnership, Jerry Kye Mask, Matthew Michael Dodson and Jamie Ann Dodson, Kye Mask, Inc., William T. Tschirhart, Jr., Trustee of the Billy T. Trust, Dietrich J. Gembler III and Barbara J. Gembler, Maurice P. DeCock Farms, Inc., Roger Verstuyft & Merlynn Verstuyft, Ronald G. Heiligman and Jacqueline D. Heiligman, husband and wife, Patrick J. Wurzbach and wife, and Phyllis Wurzbach, Collis W. Markt, for Edwards groundwater withdrawal rights in the total amount of not less than \$1,070,966.88, and not to exceed \$4,244,202.08, for the Voluntary Irrigation Suspension Program Option in support of the Edwards Aquifer Habitat Conservation Plan.

Mr. Hernandez briefed the board regarding Voluntary Irrigation Suspension Program Option (VISPO) forbearance agreements.

A motion was made by Secretary Valdivia, seconded by Director Youngblood, the board approve VISPO forbearance agreements for permitted Edwards groundwater rights between the EAA and the permit holders listed, in the total amount of not less than \$1,070,966.88, and not to exceed \$4,244,202.08, for the Voluntary Irrigation Suspension Program Option in support of the Edwards Aquifer Habitat Conservation Plan, and authorizing the General Manager to execute the Agreement. The motion passed viva voce. Director Yanta abstained from the vote on the motion.

- G.3** Consider recommendation from the Permits/Enforcement Committee to approve Proposed Rules related to proposed changes to EAA Critical Period Management rules regarding Notices of Intent to Finish Out a Crop.

Mr. Chuck Ahrens, Water Resources Manager, briefed the board regarding Proposed Rules related to proposed changes to EAA Critical Period Management rules regarding Notices of Intent to Finish Out a Crop.

A motion was made by Secretary Valdivia, seconded by Director Laffere, the board approve the Proposed Rules to amend the following chapters of the Edwards Aquifer Authority Rules, including any necessary renumbering of current rules due to the proposed amendments, and authorize the General Manager to take all actions required by law to process these Proposed Rules:

Chapter 715 (Comprehensive Water Management)
Subchapter E (Critical Period Management Plan)

The motion passed viva voce.

[Attached and made a part of these minutes.]

G.4 Consider recommendation from the Finance/Administrative Committee to authorize staff to hold public hearings on the 2019 proposed budget and associated aquifer management fee rates.

Ms. Shelly Hendrix, Director/Controller Financial Services, briefed the board regarding the 2019 proposed budget and associated aquifer management fee rates.

A motion was made by Treasurer Ellis, seconded by Secretary Valdivia, the board authorize staff to hold public meetings to receive comment on the EAA 2019 proposed budget and associated aquifer management fee rates. 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 3:42 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)

Gibson v. Edwards Aquifer Auth., (County Court at Law 2, Comal County, Texas, June 1, 2018)

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 4:02 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 items for future meeting agendas.

L. Adjournment.

There being no further business to discuss, the meeting adjourned at 4:02 p.m.

Enrique P. Valdivia
Secretary, Board of Directors

Jennifer Wong-Esparza
Assistant to Board Secretary