



Edwards Aquifer Authority

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

Meeting Minutes - Final

Board of Directors

Tuesday, December 11, 2018

3:00 PM

EAA Board Room

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

Chairman Buckner called the meeting to order at

Present: 17 - 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 Abe Salinas, Director Rachel Sanborn, 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

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

- *Mr. Brannndon Trigg was hired as a Field Inspection Technician for the External & Regulatory Affairs Department.*
- *Mr. Omar Garcia, Permits Supervisor, completed 10 years of service with the EAA.*
- *With the concurrence of the Executive Committee, the General Manager would be executing any ASR or VISPO agreements that may be received between now and the end of the year so that staff can have that water enrolled for 2019. Any agreements executed during this time frame would go to the board in January for ratification.*
- *Staff has begun reviewing the future of the Edwards Aquifer Protection Program, and has captured the general view of the program's continued merit and viability in a written brief, which was shared with the board in the last weekly report. Staff intends to have discussions with the City staff in anticipation of funding for the program coming up for reauthorization in 2020.*
- *A reminder that in January, the board would reorganize itself, that means the election of board officers as is done every two years following an election cycle. The board would also be appointing members to the Edwards Aquifer Conservancy Board in January.*
- *Also in January, the board would take a group photo prior to the January board meeting in lieu of a technical briefing.*
- *The Executive Committee would meet on January 2, 2019.*
- *Please note that the EAA offices would be closed December 24 through December 26 in observance of the Christmas Holiday and will close early at 3:00 p.m. on New Year's Eve, and would be closed on January 1, New Years Day.*
- *Directors were asked to turn in their 2018 expense reimbursement forms by the January board meeting, at the latest.*
- *The official 2019 EAA Calendars would be available at the conclusion of today's board meeting and board members would be encouraged to take a box for their own personal distribution and use.*
- *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 October 2018.

Treasurer Ellis presented the unaudited financial statements for October 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 briefed the board regarding downstream conditions.

- E.2** **Receive report from Carriage House Partners, LLC, legislative consultants, on recent and future legislative activities.**

Mr. James Mathis, Carriage House Partners, briefed the board regarding legislative activities.

F. Consent Agenda

- F.1** **Approval of previous board meeting minutes**
 - **Regular Board Meeting - November 13, 2018**
 - **Special Board Meeting - November 20, 2018**

Approval of previous board meeting minutes

- *Regular Board Meeting - November 13, 2018*
- *Special Board Meeting - November 20, 2018*

- F.2** **Consider recommendation from the Executive Committee to approve payment to Kemp Smith for legal services for October 2018.**

Approve payment to Kemp Smith in the amount of \$110,267.12 for legal services for October 2018.

A motion was made by Director Laffere, seconded by Treasurer Ellis, the board approve the consent agenda. The motion passed viva voce.

G. Individual Consideration

- G.1** **Consider recommendation from EAA staff to approve an application to convert base irrigation groundwater owned by F&M Santleben Properties, Ltd., based on the installation of conservation equipment.**

A motion was made by Director Stroka, seconded by Director Laffere, the board table this agenda item. The motion passed viva voce.

G.2

Consider recommendation from EAA staff to 1) rescind Aquifer Storage and Recovery (ASR) springflow protection lease agreements with Bruce Gilleland and wife, Linda Gilleland (P101-701 and P101-711), Darrell Bruce Gilleland (P101-702), and Gilleland Land Co., LP (P101-703); 2) enter into an ASR springflow protection lease agreement with Alamo Concrete Products Company (P100-376) for the remaining term length of the rescinded agreements; and 3) enter into ASR springflow protection forbearance agreements with Bruce Gilleland and wife, Linda Gilleland (P101-701 and P101-711), Darrell Bruce Gilleland (P101-702), and Gilleland Land Co., LP (P101-703 and P106-266), all in support of the Edwards Aquifer Habitat Conservation Plan, and authorize the General Manager to execute the rescission and the subsequent leases.

Mr. Marc Friberg, Executive Director - External & Regulatory Affairs, briefed the board regarding transactions in furtherance of the ASR springflow protection program. The three related transactions necessitate a rescission in order to be fully implemented. In brief, the Gillelands own several permits enrolled in the EAA's ASR leasing program. Alamo Concrete has agreed to take over the Gillelands' ASR leases, allowing them to enroll more groundwater in the ASR forbearance program.

A motion was made by Secretary Valdivia, seconded by Director Patterson, the board: (1) rescind Aquifer Storage and Recovery (ASR) springflow protection lease agreements with Bruce Gilleland and wife, Linda Gilleland (P101-701 and P101-711), Darrell Bruce Gilleland (P101-702), and Gilleland Land Co., LP (P101-703); (2) adopt Resolution and Order No. 12-18-918 of the Edwards Aquifer Authority Board of Directors to approve an ASR springflow protection lease agreement with Alamo Concrete Products Company (P100-376) for the remaining term length of the rescinded agreements; and (3) adopt Resolution and Order No. 12-18-919 of the Edwards Aquifer Authority Board of Directors to approve ASR springflow protection forbearance agreements with Bruce Gilleland and wife, Linda Gilleland (P101-701 and P101-711), Darrell Bruce Gilleland (P101-702), and Gilleland Land Co., LP (P101-703 and P106-266), all in support of the Edwards Aquifer Habitat Conservation Plan, and authorize the General Manager to execute the rescission and the subsequent leases. The motion passed viva voce. Director Gilleland abstained from the vote on the motion.

[Attached and made a part of these minutes.]

G.3

Consider recommendation from EAA staff to approve ASR springflow protection program forbearance agreements with Jack David Wardlaw and wife, Jessie Lem Wardlaw, Jack D. Wardlaw III, Mack M. Wardlaw, and William Chase Wardlaw, OJR Farms, Inc., Mark C. Kelling, Jana Lyda Mask, Tierra Mireles Limited Partnership, Jerry Kye Mask, Weiblen Enterprises Ltd., Charles Fohn Family Investments, LLC, Annie J. Halbardier, James Ray Carnes, Jr., Thomas Boehme and wife Helene Mae Boehme, Wilde Family Farms, Ltd., Callaghan Road, Ltd., TJ Hondo Ranch, Ltd. and M4 Enterprises, LLC, Lena Jo Davenport, as Trustee of the Lena Jo Davenport Revocable Trust, Lyle N. Riff, Trustee of the Gertrude S. Riff Family Trust, WM Kenton Hammond and wife, Linda R. Hammond, James L. Persyn and wife, Ruth E. Persyn, New Fountain United Methodist Church Board of Trustees, Carol Todd, and Church of Christ of New Braunfels for the Aquifer Storage and Recovery Forbearance Program, in support of the Edwards Aquifer Habitat Conservation Plan, in the total amount of \$6,111,503.00.

Mr. Hernandez briefed the board regarding springflow protection program forbearance agreements.

A motion was made by Director Stroka, seconded by Director Yanta, the board adopt Resolution and Order No. 12-18-920 of the Edwards Aquifer Authority Board of Directors to approve springflow protection program forbearance agreements with the permit holders listed below, 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.

[Attached and made a part of these minutes.]

- G.4 Consider recommendation from EAA staff to approve Voluntary Irrigation Suspension Program Option (VISPO) forbearance agreements with Reus Farm, LP managed by Reus Management, LLC, Betty June Jeffery, Gladys M. Zinsmeyer, Glenn Bragg and wife, Jo Lynn Bragg, David G. Bragg and wife, Tammy R. Bragg, Jim Biediger and Boyle, Ltd. for Edwards groundwater withdrawal rights in the total amount of not less than \$206,567.55 and not to exceed \$818,619.55 for the Voluntary Irrigation Suspension Program Option in support of the Edwards Aquifer Habitat Conservation Plan.**

Mr. Hernandez briefed the board regarding VISPO forbearance agreements for permitted Edwards groundwater rights between the EAA and permit holders.

A motion was made by Secretary Valdivia, seconded by Treasurer Ellis, the board adopt Resolution and Order No. 12-18-921 of the Edwards Aquifer Authority Board of Directors to approve VISPO forbearance agreements for permitted Edwards groundwater rights between the EAA and the permit holders listed below, in the total amount of not less than \$206,567.55, and not to exceed \$818,619.55 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.

[Attached and made a part of these minutes.]

- G.5 Consider recommendation from EAA staff to extend authorization of a waiver of registration fees.**

Mr. Friberg briefed the board regarding waiving registration fees for all registrations submitted prior to December 31, 2019.

A motion was made by Secretary Valdivia, seconded by Director Patterson, the board adopt Resolution and Order No. 12-18-922 of the Edwards Aquifer Authority Board of Directors authorizing a waiver of registration fees for all registrations submitted prior to December 31, 2019. The motion passed viva voce.

[Attached and made a part of these minutes.]

H. Staff Reports

- H.1 Receive report from EAA staff regarding the EAA's Conservation Grant Program and related issues.**

Ms. Isabel Martinez, Conservation Coordinator, briefed the board regarding the EAA's Conservation Grant Program.

H.2 Receive report from EAA staff on recharge calculation methodology.

Mr. Jim Winterle, Director of Modeling & Data Management, briefed the board regarding the methodology used when calculating annual recharge.

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 4:06 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, Bexar 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 4:30 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 4:31 p.m.

Enrique P. Valdivia
Secretary, Board of Directors

Jennifer Wong-Esparza
Assistant to Board Secretary