



Edwards Aquifer Authority

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

Meeting Minutes - Final

Board of Directors

Tuesday, February 12, 2019

3:00 PM

EAA Board Room

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

Chairman Buckner called the meeting to order at 3:21 p.m.

Present: 15 - Chairman Luana Buckner, Director Deborah Carington, Treasurer Ron Ellis, 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

Absent: 2 - Director Rader Gilleland and Director Kathleen Krueger

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. Hakan Basagaoglu was hired as a Senior Modeler for Modeling & Data Management.*
- *Ms. Jamie Childers was hired as a Habitat Conservation Manager.*
- *Director Pat Stroka was named by the San Marcos River Foundation as its 2018 River Protector. It is a high honor within the San Marcos water world so please join me in congratulating Pat Stroka on this achievement. Chairman Buckner and Director Rachel Sanborn offered comments in honor of Director Stroka.*
- *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 December 2018.

Treasurer Ellis presented the unaudited financial statements for December 2018.

E. Board Reports

F. Consent Agenda

**F.1 Approval of previous board meeting minutes
 - Regular Board Meeting - January 8, 2019**

*Approval of previous board meeting minutes
 - Regular Board Meeting - January 8, 2019*

F.2 Consider recommendation from the Permits/Enforcement Committee to accept a settlement counter-offer from Mr. Wayne Dent, related to exceeding authorized groundwater withdrawals during 2017.

Accept the counter-offer regarding the pending enforcement matter presented below.

F.3 Consider recommendation from the Permits/Enforcement Committee to approve an application to convert base irrigation groundwater owned by Jerry Kye Mask, based on the installation of conservation equipment.

Adopt a Final Order Granting Application to Convert Base Irrigation Groundwater for Regular Permit No. P100-014 (AT00902) based on the installation of conservation equipment submitted by Jerry Kye Mask.

[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 Medina County, based on a change in land use.

Adopt a Final Order Granting Application to Convert Base Irrigation Groundwater for Initial Regular Permit No. P108-772 (BE00607) based on a change in land use submitted by Medina County.

[Attached and made a part of these minutes.]

- F.5** Consider recommendation from the Permits/Enforcement Committee to approve an ASR springflow protection program forbearance agreement with Johnathon Kirby Blomstedt and Mary Oralia Blomstedt for the Aquifer Storage and Recovery Forbearance Program, in support of the Edwards Aquifer Habitat Conservation Plan, in the total amount of \$9,900.00.

Approve a springflow protection program forbearance agreement with Johnathon Kirby Blomstedt and Mary Oralia Blomstedt 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 agreement.

- F.6** Consider recommendation from the Finance/Administrative Committee to approve a final one-year renewal and extension of a contract with BBVA Compass for central depository services.

Adopt Resolution and Order No. 02-19-925 of the Edwards Aquifer Authority Board of Directors approving the renewal and extension of a contract between the EAA and BBVA Compass for central depository services for the period March 1, 2019 through February 28, 2020 and authorizing the General Manager to execute the contract.

[Attached and made a part of these minutes.]

- F.7** Consider recommendation from the Finance/Administrative Committee to approve payment to Kemp Smith for legal services for December 2018.

Approve payment to Kemp Smith in the amount of \$52,532.81 for legal services for December 2018.

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

G. Individual Consideration

- G.1** Consider recommendation from the Permits/Enforcement Committee to approve Voluntary Irrigation Suspension Program Option (VISPO) forbearance agreements with USA Modern Agriculture, LLC, and Larry E. Seitz MD Revocable Trust for Edwards groundwater withdrawal rights in the total amount of not less than \$199,006.47, and not to exceed \$788,655.27, for the Voluntary Irrigation Suspension Program Option in support of the Edwards Aquifer Habitat Conservation Plan.

A motion was made by Secretary Valdivia, seconded by Treasurer Ellis, the board adopt Resolution and Order No. 02-19-926 of the Edwards Aquifer Authority Board of Directors approving VISPO forbearance agreements for permitted Edwards groundwater rights between the EAA and the permit holders listed therein, in the total amount of not less than \$199,006.47, and not to exceed \$788,655.27, 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.2** Consider recommendation from the Finance/Administrative Committee to approve the Edwards Aquifer Habitat Conservation Plan FY2019 Funding Application Amendments submitted by the City of New Braunfels (\$665,000) and the City of San Marcos/Texas State University (\$1,957,166).

A motion was made by Treasurer Ellis, seconded by Director Laffere, board adopt Resolution and Order No. 02-19-927 of the Edwards Aquifer Authority Board of Directors approving amendments to the Edwards Aquifer Habitat Conservation Plan (EAHCP) FY2019 Funding Applications for the City of New Braunfels and the City of San Marcos increasing the funding request from \$565,000 to \$665,000 for the City of New Braunfels and increasing the funding request from \$1,647,560 to \$1,957,166 for the City of San Marcos. The motion passed viva voce.

[Attached and made a part of these minutes.]

- G.3** Consider recommendation from the Finance/Administrative Committee to amend the 2019 EAA Operating Budget by increasing the General Fund appropriation by \$241,419 and increasing the Habitat Conservation Plan Fund by \$409,606.

A motion was made by Treasurer Ellis, seconded by Director Laffere, the board amend the 2019 EAA Operating budget by increasing the General Fund appropriation for Professional Technical Services and Property Services by \$241,419 and increasing the Habitat Conservation Plan Fund appropriation for Professional Technical Services by \$409,606. The motion passed viva voce.

G.5 Consider recommendation from EAA staff to approve Groundwater Trust Transfer Contracts with the Church of Christ of New Braunfels and Mr. Douglas Miller.

This item was taken out of order on the agenda and considered after agenda item G.3

Mr. Chuck Ahrens, Water Resources Manager, briefed the board regarding Groundwater Trust Transfer contracts with the Church of Christ of New Braunfels and Mr. Douglas Miller.

A motion was made by Director Stroka, seconded by Director Patterson, the board authorize the General Manager to enter into Groundwater Trust Transfer Contracts with the Church of Christ of New Braunfels (1 acre-foot) and Mr. Douglas Miller (13 acre-feet), for a total trust enrollment of 14 acre-feet associated with Permit Nos. P104-776 and P101-873, respectively. The motion passed viva voce.

G.4 Consider recommendation from the Executive Committee regarding items related to the EAA's 2019 legislative priorities.

This item was taken out of order on the agenda and considered after agenda item G.5.

Mr. Ruiz provided background information on the legislative priorities.

Mr. Marc Friberg, Executive Director - External & Regulatory Affairs, briefed the board regarding items related to the EAA's 2019 legislative priorities.

A motion was made by Secretary Valdivia, seconded by Treasurer Ellis, the board direct the General Manager to take all steps necessary to have legislation filed regarding the transition of the EAA Act from Chapter 36 of the Texas Water Code. 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 3:47 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. (5th Cir. Aug. 9, 2018)

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

Gibson v. Edwards Aquifer Auth. (37th Dist. Ct., Bexar Cty., Tex. transferred Sept. 6, 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 4:27 p.m.

J. Consider recommendation(s) regarding matters discussed in closed session.**K. Discuss items for future board meeting agendas.**

L. Adjournment.

There being no further business to discuss, the meeting adjourned at 4:27 p.m.

Enrique P. Valdivia
Secretary, Board of Directors

Jennifer Wong-Esparza
Assistant to Board Secretary