



Edwards Aquifer Authority

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

Meeting Minutes - Final

Board of Directors

Tuesday, June 11, 2019

3:00 PM

EAA Board Room

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

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

Present: 13 - Chairman Luana Buckner, Treasurer Ron Ellis, Director Kathleen Krueger, Director Don Laffere, Director Gary Middleton, Director Byron Miller, Director Carol Patterson, Director Abe Salinas, Director Rachel Sanborn, Secretary Enrique Valdivia, Director Clark Ward, Director Scott Yanta and Vice Chairman Ben Youngblood

Absent: 4 - Director Deborah Carington, Director Rader Gilleland, Director Pat Stroka and Director Ron Walton

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.)
- Legislative Activity
- 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. Raquel Garza, Director of Human Resources, completed 20 years of service with the EAA.*
- *Directors received a handout from Carriage House Partners regarding a Wrap-up of the 86th Texas Legislature and a handout of the bill status report.*
- *Directors received a copy of a letter from the daughter of the late Maurice Rimkus – former director and key figure in the development of the EAA, and a copy of the book that was the focus of the letter was displayed. It was shared with the board because it demonstrates in practice the ideas of serving the needs of people and building legacy through service.*
- *Directors also received a copy of a flyer with information regarding the State of Water event being presented by the West San Antonio Chamber of Commerce on August 9, 2019 at the Westin Riverwalk Hotel.*
- *A Save-the-Date flyer was in directors' folders for the work session in September. Directors were asked to mark their calendars for Friday, September 13 through Saturday, September 14. More information was included on the flyer.*
- *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 the unaudited financial statements for April 2019.

Treasurer Ellis presented the unaudited financial statements for April 2019.

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, South Central Texas Water Advisory Committee (SCTWAC) representative to the board, briefed the board regarding downstream water conditions.

H.1 Receive report regarding the South Texas Weather Modification Association's Precipitation Enhancement Program.

This item was taken out of order on the agenda and was considered after agenda item E.1 and before agenda item F.1.

Mr. Javier Hernandez, Special Projects Liaison, introduced Mr. Jonathan Jennings, Meteorologist - South Texas Weather Modification Association.

Mr. Jennings briefed the board regarding the Precipitation Enhancement Program, and provided an overview of the 2018 weather modification operations in the participating counties of the EAA.

F. Consent Agenda

**F.1 Approval of previous board meeting minutes
 - Regular Board Meeting - May 14, 2019**

*Approval of previous board meeting minutes
 - Regular Board Meeting - May 14, 2019*

F.2 Consider recommendation from the Executive Committee to approve an application to convert base irrigation groundwater owned by Continental Homes of Texas, L.P., based on a change in land use.

Adopt a Final Order Granting Application to Convert Base Irrigation Groundwater for Regular Permit No. P106-939 (BE00317) based on a change in land use submitted by Continental Homes of Texas, L.P.

[Attached and made a part of these minutes.]

F.3 Consider recommendation from the Executive Committee to approve an amendment to the 2019 City of New Braunfels EAHCP Funding Application.

Adopt Resolution and Order No. 06-19-935 of the Edwards Aquifer Authority Board of Directors approving an amendment to the Edwards Aquifer Habitat Conservation Plan FY2019 Funding Application of the City of New Braunfels to transfer \$2,200 between budget items within the currently approved application.

[Attached and made a part of these minutes.]

F.4 Consider recommendation from the Executive Committee to approve the purchase and installation of office furniture from Workplace Resource, in an amount not to exceed \$93,517.

Approve the purchase and installation of office furniture from Workplace Resource, in an amount not to exceed \$93,517.

F.5 Consider recommendation from the Executive Committee to approve payment to Kemp Smith for legal services for April 2019.

Approve payment to Kemp Smith in the amount of \$59,824.41, for legal services for April 2019.

A motion was made by Director Krueger, seconded by Vice-Chairman Youngblood, to approve the consent agenda. The motion passed viva voce.

G. Individual Consideration

G.1 Consider recommendation from EAA staff to approve ASR springflow protection program forbearance agreements with Texas By Anderson Family Properties, LP, Wanda Sue Smith, Marion Fey, Lisa W. Morgan and James H. Morgan, and Gilbert and Eloisa F. Barrera, and Daughter, Maribel Barrera for the Aquifer Storage and Recovery Forbearance Program, in support of the Edwards Aquifer Habitat Conservation Plan, in the total amount of \$669,836.70.

Mr. Hernandez briefed the board regarding ASR springflow protection program forbearance agreements with Texas By Anderson Family Properties, LP, Wanda Sue Smith, Marion Fey, Lisa W. Morgan and James H. Morgan, and Gilbert and Eloisa F. Barrera, and Daughter, Maribel Barrera for the Aquifer Storage and Recovery Forbearance Program, 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. 06-19-936 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.2 Consider recommendation from EAA staff to approve Voluntary Irrigation Suspension Program Option (VISPO) forbearance agreements with Briscoe Ranch, Inc.; Ralph Hesse and wife, Connie Hesse; and Mary E. Pettibon; for Edwards groundwater withdrawal rights in the total amount of not less than \$1,231,562.34 and not to exceed \$4,880,635.94 for the Voluntary Irrigation Suspension Program Option in support of the Edwards Aquifer Habitat Conservation Plan.**

Mr. Hernandez briefed the board regarding approving Voluntary Irrigation Suspension Program Option (VISPO) forbearance agreements with Briscoe Ranch, Inc.; Ralph Hesse and wife, Connie Hesse; and Mary E. Pettibon; 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. 06-19-937 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 \$1,231,562.34 and not to exceed \$4,880,635.94 for the Voluntary Irrigation Suspension Program Option in support of the Edwards Aquifer Habitat Conservation Plan and authorizing the General Manager to execute the Agreements. The motion passed viva voce.

[Attached and made a part of these minutes.]

H. Staff Reports

- H.2 Receive report from EAA staff regarding EAA's 2019 legislative priorities.**

Mr. Marc Friberg, Executive Director - External & Regulatory Affairs, provided an update regarding the status of the EAA's 2019 legislative priorities at the conclusion of the legislative session.

- H.3 Receive report from EAA staff on the transition from Phase I to Phase II of the EAHCP.**

Mr. Scott Stormont, Senior Director - Threatened & Endangered Species, briefed the board regarding the transition from Phase I to Phase II of the EAHCP.

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:

The board did not meet in closed session.

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. filed Aug. 9, 2018)

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

Gibson v. Edwards Aquifer Auth. (37th Bexar Cty. transferred Sept. 6, 2018)

Gonzales v. Mendez (285th Bexar Cty. filed Sept. 20, 2018; EAA intervened May 8, 2019)

Monitored Litigation:

In re Estate of Eva May Sanderlin (Cty. Ct., Uvalde Cty. filed Jan. 8, 2015)

In re Estate of Watts (Prob. Ct. No. 1, Bexar Cty. filed Jan. 27, 2016)

Flying "L" Guest Ranch, Ltd. v. Bandera Cty. RAGD (198th Bandera Cty. filed Jan. 12, 2018)

End Op v. Meyer (Tex. App.-Austin filed Aug. 29, 2018)

Stratta v. Harris (5th Cir. Nov. 29, 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)

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 4:21 p.m.

Enrique P. Valdivia
Secretary, Board of Directors

Jennifer Wong-Esparza
Assistant to Board Secretary