



Edwards Aquifer Authority

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

Meeting Minutes Board of Directors

Tuesday, October 8, 2019

3:00 PM

EAA Board Room

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

Chairman Buckner called the meeting to order at 3:01 p.m.

Present: 14 - Chairman Luana Buckner, Director Deborah Carington, Director Kathleen Krueger, Director Don Laffere, Director Gary Middleton, Director Byron Miller, Director Carol Patterson, Director Abe Salinas, Director Rachel Sanborn, Director Pat Stroka, Director Ron Walton, Director Clark Ward, Director Scott Yanta and Vice Chairman Ben Youngblood

Absent: 3 - Treasurer Ron Ellis, Director Rader Gilleland and Secretary Enrique Valdivia

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:

- *Mr. Martin Hernandez was hired as a Network Administrator for Information Technology.*
- *This week staff was conducting public hearings on proposed rules. Additional meetings on the rules and the 2020 proposed budget would take place next week.*
- *A ceremonial groundbreaking and press conference have been scheduled for the education and outreach center in collaboration with Morgan's Camp on October 29. More details would be made available as they develop in the coming days.*
- *Directors received a copy of the Autumn 2019 News Drop Magazine.*
- *Mr. Brent Doty, Research Manager, briefed the board on current aquifer conditions.*

D. Treasurer's Report

D.1 Receive report from EAA staff on the unaudited financial statements for August 2019.

In Treasurer Ellis' absence, Ms. Hendrix was available to present the unaudited financial statements for August 2019.

E. Board Reports

F. Consent Agenda

F.1 Approval of previous board meeting minutes
 - Regular Board Meeting - September 10, 2019
 - Special Board Meeting - September 13, 2019

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F.2 Consider recommendation from the Permits/Enforcement Committee to approve an application to convert base irrigation groundwater owned by Shops at Luckey Ranch, LLC, based on a change in land use.

Adopt a Final Order Granting Application to Convert Base Irrigation Groundwater for Regular Permit No. P109-072 (BE00207) based on a change in land use submitted by Shops at Luckey Ranch, 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 Dos Ninas, LP, based on the installation of conservation equipment.

Adopt a Final Order Granting Application to Convert Base Irrigation Groundwater for Regular Permit No. P100-135 (ME00449) based on the installation of conservation equipment submitted by Dos Ninas, LP.

[Attached and made a part of these minutes.]

- F.4 Consider recommendation from the Finance/Administrative Committee to approve an engagement letter with RSM US, L.L.P., to provide independent audit services for fiscal year 2019.**

Approve an engagement letter with RSM US, L.L.P., to provide independent audit services for fiscal year 2019, with an option to renew for up to four additional years.

- F.5 Consider recommendation from the Finance/Administrative Committee to approve payment to Kemp Smith for legal services for August 2019.**

Approve payment to Kemp Smith in the amount of \$80,821.73, for legal services for August 2019.

A motion was made by Director Miller, seconded by Director Laffere, 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 Ruth Ranch 2, LLC; SFD/Medio Creek Land Partnership, LTD; Zinsmeyer Farms; Tausch Land and Cattle, Ltd., a Texas limited partnership; and James E. Verstuyft, for the Aquifer Storage and Recovery Forbearance Program, in support of the Edwards Aquifer Habitat Conservation Plan, in the total amount of \$1,007,264.70.**

A motion was made by Director Stroka, seconded by Director Patterson, the board adopt Resolution and Order No. 10-19-948 of the Edwards Aquifer Authority Board of Directors to 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.

[Attached and made a part of these minutes.]

- G.2 Consider recommendation from the Finance/Administrative Committee to authorize staff to present the 2020 proposed budget and associated aquifer management fee rates for public comment.**

A motion was made by Director Laffere, seconded by Director Stroka, the board authorize staff to present the 2020 proposed budget and associated aquifer management fee rates for public comment. The motion passed viva voce.

[Attached and made a part of these minutes.]

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 3:11 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. decided Aug. 28, 2019)

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)

Stratta v. Harris (5th Cir. filed Nov. 29, 2018)

2. Consultation with Attorney - Attorney/Client Privileged Consultations (§ 551.071)
3. Consultation with Attorney - Settlement Offers (§ 551.071)
4. Deliberations Regarding Real Property (§ 551.072)
5. Deliberations Regarding Personnel Matters (§ 551.074)
6. Deliberations Regarding Security Devices or a Security Audit (§§ 551.076, 551.089)

Chairman Buckner reopened the meeting to the public at 3:46 p.m.

J. Consider recommendation(s) regarding matters discussed in closed session.

The board did not consider any recommendations.

Consider authorization for the Chairman of the EAA Board of Directors to correspond with Southwest Sustainable Water Supply regarding aspects of its proposed Aquifer Storage and Recovery Project.

Chairman Buckner briefed the board regarding aspects of Southwest Sustainable Water Supply's proposed Aquifer Storage and Recovery Project.

A motion was made by Director Stroka, seconded by Director Laffere, the board authorize Chairman Buckner to correspond with Southwest Sustainable Water Supply via letter regarding aspects of its proposed project, as amended. The motion passed viva voce.

K. Discuss items for future board meeting agendas.

The board did not discuss future board meeting agendas.

L. Adjournment.

There being no further business to discuss, the meeting adjourned at 3:48 p.m.

Enrique P. Valdivia
Secretary, Board of Directors

Jennifer Wong-Esparza
Assistant to Board Secretary