



# Edwards Aquifer Authority

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

## Meeting Minutes Board of Directors

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Tuesday, December 10, 2019

3:00 PM

EAA Board Room

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

*Chairman Buckner called the meeting to order at 3:02 p.m.*

**Present:** 14 - Chairman Luana Buckner, Director Deborah Carington, Treasurer Ron Ellis, Director Don Laffere, 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:** 3 - Director Rader Gilleland, Director Kathleen Krueger and Director Gary Middleton

### 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. Joseph Sterzenback, Electronics Technician, completed 20 years of service with the EAA.*
- *Ms. Isabel Martinez, Conservation Coordinator, completed 10 years of service with the EAA.*
- *The San Antonio for Growth in the Eastside (SAGE) would be hosting the 6th Annual Taste the Dream Gala at the Witte Museum on Saturday, January 11. Funds raised by the event would support the economic development activities in the Eastside Community. The event would feature cuisines and flavors from a diverse team of chefs. The EAA was sponsoring a table for this fundraiser and the deadline to RSVP would be December 19.*
- *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 November 2019.**

*Treasurer Ellis presented the unaudited financial statements for October 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, was not in attendance at this meeting.*

**F. Consent Agenda****F.1 Approval of previous board meeting minutes  
- Regular Board Meeting - November 12, 2019**

*Approval of previous board meeting minutes  
- Regular Board Meeting - November 12, 2019*

**F.2 Consider recommendation from the Executive Committee to approve a contract with ICF Jones and Stokes, Inc., to provide consultant services for an EAHCP Incidental Take Permit (ITP) options analysis, in the amount of \$98,160.**

*Approve Contract No. 19-962-TES between the EAA and ICF Jones and Stokes, Inc., to provide consultant services for an EAHCP ITP options analysis, in the amount of \$98,160, for the period January 1, 2020 through September 30, 2020.*

**F.3 Consider recommendation from the Executive Committee to approve a conservation easement on the 151.61 acres known as Cibolo Vista Tracts 1 & 2 in Bexar County.**

*Approve a conservation easement on the 151.61 acres known as Cibolo Vista Tracts 1 & 2, in Bexar County, and authorize the General Manager to execute the conservation easement accordingly.*

- F.4 Consider recommendation from the Executive Committee to 1) rescind a VISPO forbearance agreement with LEC Legacy, Ltd. (P102-099); 2) enter into a VISPO forbearance agreement with the City of Uvalde (P101-740); and 3) enter into two ASR springflow protection forbearance agreements with LEC Legacy, Ltd. (P102-099 and P102-098), all in support of the Edwards Aquifer Habitat Conservation Plan.**

*The board: (1) rescind a VISPO forbearance agreement with LEC Legacy, Ltd. (P102-099); (2) adopt Resolution and Order No. 12-19-954 of the Edwards Aquifer Authority Board of Directors to approve a VISPO forbearance agreement with the City of Uvalde (P101-740); and (3) adopt Resolution and Order No. 12-19-955 of the Edwards Aquifer Authority Board of Directors to approve two ASR springflow protection forbearance agreements with LEC Legacy, Ltd. (P102-099 and P102-098), all in support of the Edwards Aquifer Habitat Conservation Plan, and authorize the General Manager to execute the rescission and the subsequent agreements.*

*[Attached and made a part of these minutes.]*

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

*Approve payment to Kemp Smith in the amount of \$58,991.47 for legal services for October 2019.*

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

## **G. Individual Consideration**

- G.1 Consider recommendation from the Executive Committee to approve a contract with Carriage House Partners, LTD, for legislative consultant services in an amount not to exceed \$300,000.**

**A motion was made by Director Stroka, seconded by Secretary Valdivia, the board adopt Resolution and Order No. 12-19-956 of the Edwards Aquifer Authority Board of Directors approving Contract No. 19-967-EXE between the Edwards Aquifer Authority and Carriage House Partners, LTD., for legislative consultant services in an amount not to exceed \$300,000, for the period January 1, 2020, through December 31, 2021, and authorizing the General Manager to execute the contract. The motion passed viva voce.**

**[Attached and made a part of these minutes.]**

**G.2**

**Receive report from EAA staff on the proposed EAA Response to Public Comment for the following Proposed Rules: Chapter 702 (Definitions); Chapter 707 (Procedure Before the Authority); Chapter 709 (Fees); Chapter 711 (Groundwater Withdrawals), Chapter 713 (Water Quality), Chapter 715 (Comprehensive Water Management), and Chapter 717 (Enforcement).**

*Mr. Marc Friberg, Executive Director - External & Regulatory Affairs, briefed the board regarding the proposed EAA Response to Public Comment for the following Proposed Rules: Chapter 702 (Definitions); Chapter 707 (Procedure Before the Authority); Chapter 709 (Fees); Chapter 711 (Groundwater Withdrawals), Chapter 713 (Water Quality), Chapter 715 (Comprehensive Water Management), and Chapter 717 (Enforcement).*

**This board report was presented.**

**G.3**

Consider recommendation from EAA staff to approve a Final Order Adopting Rules related to the following Chapters of the EAA rules: Chapter 702 (Definitions); Chapter 707 (Procedure Before the Authority); Chapter 709 (Fees); Chapter 711 (Groundwater Withdrawals), Chapter 713 (Water Quality), Chapter 715 (Comprehensive Water Management), and Chapter 717 (Enforcement).

A motion was made by Secretary Valdivia, seconded by Director Yanta, the the board approve, through Resolution and Order No. 12-19-957 of the Edwards Aquifer Authority Board of Directors, a Final Order Adopting Rules amending the following chapters of the Edwards Aquifer Authority Rules and authorize the General Manager to take all actions required by law to implement the Final Rules:

- Chapter 702 Definitions;
- Chapter 707 (Procedure Before the Authority)
- Subchapter E (Actions on Applications)
  - Subchapter F (Procedures for Contested Case Hearings)
- Chapter 709 Fees
  - Subchapter B (Registration Fees)
  - Subchapter C (Permit Application Fees)
  - Subchapter D (Aquifer Management Fees)
  - Subchapter E (Administrative Fees)
- Chapter 711 Groundwater Withdrawals
  - Subchapter C (Exempt Wells)
  - Subchapter D (Limited Production Wells)
  - Subchapter E (Groundwater Withdrawal Permits)
    - Subchapter L (Administration of Permits)
- Chapter 713 Water Quality
  - Subchapter C (Well Construction, Operation and Maintenance)
  - Subchapter D (Well Closures)
- Chapter 715 Comprehensive Water Management
  - Subchapter E (Critical Period Management Plan); and
- Chapter 717 Enforcement.

The motion passed viva voce.

[Attached and made a part of these minutes.]

**G.4**

Consider recommendation from EAA staff to rescind the temporary moratorium on the filing and processing of applications to convert base irrigation groundwater pursuant to sections 711.342(6) or (7) of the EAA rules.

A motion was made by Secretary Valdivia, seconded by Director Laffere, the board approve an order rescinding the order issuing a temporary moratorium on the filing and processing of applications to convert Base Irrigation Groundwater pursuant to Sections 711.342(6) or (7) of the EAA rules. 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 3:25 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. (U.S. pet. for cert. filed Nov. 26, 2019)**

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

*Cano Invs. v. Edwards Aquifer Auth.* (285th Bexar Cty. filed Oct. 24, 2019)

**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 3:58 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 4:01 p.m.*

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*Enrique P. Valdivia*  
*Secretary, Board of Directors*

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*Jennifer Wong-Esparza*  
*Assistant to Board Secretary*