



Edwards Aquifer Authority

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

Meeting Minutes Board of Directors

Tuesday, January 14, 2020

3:00 PM

EAA Board Room

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

Chairman Buckner called the meeting to order at 3:05 p.m.

Present: 11 - Director Deborah Carington, Director Rader Gilleland, Director Kathleen Krueger, Director Gary Middleton, Treasurer Byron Miller, Director Carol Patterson, Director Abe Salinas, Director Rachel Sanborn, Vice Chair Enrique Valdivia, Director Scott Yanta and Secretary 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.)
- 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. Cesar Velez was hired as an Electronics Technician.*
- *Ms. Deana Watson, Finance Associate, completed 20 years of service with the EAA.*
- *Ms. Ann Margaret Gonzalez, Communications Specialist, completed five years of service with the EAA.*
- *2020 EAA calendars were available to directors if they would like to request additional copies.*
- *In lieu of a technical briefing next month, we would hold a facilitated strategic planning session with our consultant Mary Flanagan. It would be a two-hour session beginning at 12:30 on February 11, with lunch served prior to that in the Recharge Room.*
- *The EAA was sponsoring a table at the DreamWeek 2020 Awards Luncheon to celebrate the people in our community for their outstanding service on Friday, January 17 from 11:30 a.m. – 1:00 p.m. at The Spire at St. Paul Square, 230 Center Street.*
- *The EAA was also sponsoring a table at the SA2020 luncheon where they would be presenting the 2019 Impact Report on Wednesday, January 22 from 11:30 a.m. – 1:00 p.m. at the Henry B. Gonzales Convention Center, Stars at Night Ballroom, 900 E. Market St.*
- *Regarding the LULAC lawsuit, the EAA did not file a response to the plaintiff's petition for writ of certiorari (judicial review) from the U.S. Supreme Court, as per discussion with General Counsel last month. The litigation that shows on the closed session agenda under "Cano Investments" would be coming off the agenda as of next month due to the fact that we have been dismissed from the case, as we informed you last month.*
- *In January of every year, the board must review the Code of Ethics in the EAA Bylaws. Directors received a copy of Article XII – Code of Ethics, and an acknowledgement form in their folder. After review of Article XII, directors were asked to complete the form and return it to staff.*
- *Directors were asked to turn in any final 2019 expense reimbursement forms to staff.*
- *Included in directors' folders was a board phone directory and directors were asked to see staff if updates were needed.*
- *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 November 2019.

E. Board Reports

Director Gary Middleton briefed the board regarding downstream water conditions for 2019. He noted that the southern part of the river basin received less rainfall than the annual average, and had only received 25" through the end of December. He also noted that 2019 seemed like a wet year with just as many rain events as the year before, but there was less volume. He also mentioned that the City of Seguin applied for an amendment to their discharge permit, and would not be using surface water, but would be using groundwater piped in from the Gonzales area.

F. Consent Agenda**F.1 Approval of previous board meeting minutes
- Regular Board Meeting - December 10, 2019**

*Approval of previous board meeting minutes
- Regular Board Meeting - December 10, 2019*

F.2 Consider EAA staff recommendation to approve payment to Kemp Smith for legal services for November 2019.

Approve payment to Kemp Smith in the amount of \$47,615.37 for legal services for November 2019.

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

G. Individual Consideration**G.1 Consider recommendation from EAA staff to approve a resolution and order associated with certain ASR springflow protection program forbearance agreements approved during December 2019.**

Mr. Marc Friberg, Executive Director - External & Regulatory Affairs, briefed the board regarding ratifying the approval and execution of springflow protection program forbearance agreements during December 2019.

A motion was made by Secretary Valdivia , seconded by Treasurer Ellis, the board adopt Resolution and Order No. 01-20-958 of the Edwards Aquifer Authority Board of Directors to ratify approval and execution of springflow protection program forbearance agreements approved during December 2019 by the EAA General Manager. The motion passed viva voce. Director Yanta abstained from the vote on the motion.

[Attached and made a part of these minutes.]

- G.2 Consider recommendation from EAA staff to approve a resolution and order associated with certain Voluntary Irrigation Suspension Program Option (VISPO) forbearance agreements previously approved in December 2019.**

A motion was made by Secretary Valdivia, seconded by Treasurer Ellis, the board adopt Resolution and Order No. 01-20-959 of the Edwards Aquifer Authority Board of Directors to ratify approval and execution of Voluntary Irrigation Suspension Program Option (VISPO) forbearance agreements by the General Manager during December 2019. The motion passed viva voce. Director Yanta abstained from the vote on the motion.

[Attached and made a part of these minutes.]

- G.3 Consider recommendation from the Executive Committee to approve corrections to the Final Order Adopting Rules approved by the Board of Directors on December 10, 2019, which adopted amendments to Chapters 702, 707, 709, 711, 713, 715, and 717 of the EAA's rules.**

Mr. Friberg briefed the board regarding approving corrections to Resolution and Order No. 12-19-957, the Final Order Adopting Rules for Chapters 702, 707, 709, 711, 713, 715, and 717 of the EAA's rules.

A motion was made by Secretary Valdivia, seconded by Treasurer Ellis, the board adopt Resolution and Order No. 01-20-960 of the Edwards Aquifer Authority Board of Directors adopting corrections to Resolution and Order No. 12-19-957. The motion passed viva voce.

[Attached and made a part of these minutes.]

- G.4 Consider recommendation from EAA staff to authorize the waiver of all registration fees.**

Mr. Friberg briefed the committee regarding a recommendation to waive registration fees. The board approved waivers of registration fees in 2017, 2018, and 2019 to help incentivize registration of such wells, tanks and facilities.

A motion was made by Director Stroka, seconded by Director Salinas, the board adopt Resolution and Order No. 01-20-961 of the Edwards Aquifer Authority Board of Directors authorizing a waiver of registration fees for all registrations until further notice. The motion passed viva voce.

[Attached and made a part of these minutes.]

- G.5 Consider recommendation from EAA staff to approve a lease agreement between the Edwards Aquifer Conservancy (EAC) and the EAA for the lease of real property commonly identified as Cibolo Vista Tracts 1 and 2 located in Bexar County.**

Mr. Ruiz briefed the board regarding approval of a lease agreement between the EAC and the EAA for the lease of approximately 150 acres of land located on the recharge zone. The property, commonly identified as Cibolo Vista Tracts 1 and 2, was gifted by the City of San Antonio (COSA) to the EAC last November.

A motion was made by Treasurer Ellis, seconded by Director Laffere, the board approve a lease agreement between the EAC and the EAA for the lease of approximately 150 acres of land located on the recharge zone. The motion passed viva voce.

[Attached and made a part of these minutes.]

- G.6 Consider amendments to the employment agreement with General Manager Roland Ruiz.**

Chairman Buckner briefed the board regarding the employment agreement with General Manager Roland Ruiz.

A motion was made by Director Krueger, seconded by Director Yanta, the board amend the employment agreement with Mr. Roland Ruiz, as presented. 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:

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. (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. EAA nonsuited Dec. 12, 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)

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 3:45 p.m.

Enrique P. Valdivia
Secretary, Board of Directors

Jennifer Wong-Esparza
Assistant to Board Secretary