



Edwards Aquifer Authority

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

Meeting Minutes Board of Directors

Tuesday, March 10, 2020

3:00 PM

EAA Board Room

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

Chairman Buckner called the meeting to order at 3:09 p.m.

Present: 9 - Director Deborah Carington, Director Rader Gilleland, Director Gary Middleton, Treasurer Byron Miller, Director Carol Patterson, Director Abe Salinas, Director Rachel Sanborn, Director Scott Yanta and Secretary Ben Youngblood

Absent: 2 - Director Kathleen Krueger and Vice Chair 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:

- *He acknowledged staff and their efforts, and expressed his appreciation for the board and their support.*
- *Staff applied for \$100,000 in financial assistance from the Texas Water Development Board (TWDB). This funding, if approved, would supplement the existing \$100,000 funding and would be used exclusively for agricultural water conservation grants. These grants go toward the efficiency improvement of various irrigation methods. The TWDB would make a decision about the grant funding at the June board meeting.*
- *Staff extended its deadline for entering into the EAA's groundwater trust program. Typically, for financial planning purposes, the March board meeting date was set as the last day the EAA would entertain a trust contract; however, this year, due to some confusion from M&I participants in the VISPO program, staff would process requests to enter into groundwater trust contracts up until the April board meeting.*
- *Mr. Brent Doty, Research Manager, briefed the board on current aquifer conditions.*

D. Treasurer's Report**D.1 Receive report from EAA staff on unaudited financial statements for January 2020.**

Treasurer Ellis presented the unaudited financial statements for January 2020.

E. Board Reports**F. Consent Agenda****F.1 Approval of previous board meeting minutes
- Regular Board Meeting - February 11, 2020**

*Approval of previous board meeting minutes
- Regular Board Meeting - February 11, 2020*

F.2 Consider recommendation from the Permits/Enforcement Committee to rescind limited production well status for the well owned by Broderick E. & Susan G. Milford dba Fey's Boat & Camper Storage, based on the owner's inability to meet annual groundwater withdrawal limits.

Adopt an Order Rescinding Limited Production Well Status for the well (W107-002), owned by Broderick E. & Susan G. Milford dba Fey's Boat & Camper Storage, and move that an opportunity for reinstatement be allowed if 2020 use limitations are met.

[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 Daniel Maurice Rimkus and Ginger Lynn Rimkus Patterson, based on the installation of conservation equipment.

Adopt a Final Order Granting Application to Convert Base Irrigation Groundwater for Regular Permit No. P103-470 (UV00430) based on the installation of conservation equipment submitted by Daniel Maurice Rimkus and Ginger Lynn Rimkus Patterson.

[Attached and made a part of these minutes.]

F.4 Consider recommendation from the Permits/Enforcement Committee to rescind the Agricultural Secondary Containment Assistance Program Agreement with George D. Koch.

Rescind the Agricultural Secondary Containment Assistance Program Agreement between the Edwards Aquifer Authority and George D. Koch.

- F.5 Consider recommendation from the Finance/Administrative Committee to approve a contract with Quacito LLC, for maintenance and development of the EAA website.**

Approve Contract No. 20-004-AFS between the EAA and Quacito LLC, for website development and maintenance, for the total fixed amount of \$98,962.08, for the period March 16, 2020 through March 15, 2021, with an option to renew for two additional years.

- F.6 Consider recommendation from the Finance/Administrative Committee to approve payment to Kemp Smith for legal services for January 2020.**

Approve payment to Kemp Smith in the amount of \$67,777.57, for legal services for January 2020.

A motion was made by Director Stroka, 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 a contract between the EAA and Tejas Premier Building Contractor, Inc., for agricultural aboveground storage tank containment upgrades at the A&S Ranch, in Uvalde, Texas.**

Mr. Marc Friberg, Executive Director - External & Regulatory Affairs, briefed the board regarding briefed the board regarding approving a contract with Tejas Premier Building Contractor, Inc. ("Tejas"), to perform agricultural aboveground storage tank containment upgrades at the A&S Ranch, Uvalde, Texas.

A motion was made by Director Laffere, seconded by Treasurer Ellis, the board adopt Resolution and Order No. 03-20-964 of the Edwards Aquifer Authority Board of Directors approving Contract No. 20-006-ERA between the EAA and Tejas Premier Building Contractor, Inc., for agricultural aboveground storage tank containment upgrades at the A&S Ranch, in Uvalde, Texas, in an amount not to exceed \$148,723, for the period March 16, 2020 through December 31, 2020, and authorizing the General Manager to execute the contract. The motion passed viva voce.

[Attached and made a part of these minutes.]

- G.2 Consider recommendation from the Finance/Administrative Committee to amend the 2020 EAA Operating Budget by increasing the General Fund appropriation by \$435,211 and decreasing the Conservation/Aquifer Protection Fund by \$435,211.**

A motion was made by Treasurer Ellis, seconded by Director Laffere, the board amend the 2020 EAA Operating budget by increasing the General Fund appropriation for Professional Services by \$435,211, and decreasing the Conservation/Aquifer Protection Fund by \$435,211. 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)

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 3:23 p.m.

Enrique P. Valdivia
Secretary, Board of Directors

Jennifer Wong-Esparza
Assistant to Board Secretary