



Edwards Aquifer Authority

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

Meeting Minutes Board of Directors

Tuesday, November 10, 2020

3:00 PM

Via Teleconference

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

Chairman Buckner called the meeting to order at 3:00 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:

- *The board holiday party was scheduled for December 4 at the Embassy Suites Hotel & Spa.*
- *The General Manager would execute the end-of-year VISPO agreements and then the board would ratify them in January.*
- *EAA offices would be closed for the Veterans' Day holiday.*
- *The board received a letter from Mr. Robert Puente of SAWS with comments regarding the EAA's Next Generation concept.*
- *A summary of recent NBU events was provided to the board regarding NBU's ASR Project.*
- *The EAA's Biennial MWBE Report to the Governor was attached in this month's board packet.*
- *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 unaudited financial statements for September 2020.

In Treasurer Ellis' absence, staff presented the unaudited financial statements for September 2020.

E. Board Reports

E.1 Receive report from General Manager on the status of the strategic planning process for the 2021-30 plan period.

Mr. Ruiz briefed the board regarding the status of the strategic planning process for the 2021-30 plan period.

E.2 Receive report from EAA staff and consultants on the status of interim legislative activities as they relate to the EAA.

Mr. Marc Friberg, Executive Director - External & Regulatory Affairs, briefed the board regarding the status of the EAA's legislative planning and on the contents of the EAA's legislative report to the Edwards Aquifer Legislative Oversight Committee - required by recent changes to the EAA Act.

Carriage House Partners, Mr. James Clark, Mr. James Mathis, and Mr. Gavin Massingill provided a report on election results and interim legislative activities.

E.3 Receive report from Gary Middleton - South Central Texas Water Advisory Committee (SCTWAC), regarding the SCTWAC 2020 Biennial Report on the Effectiveness of the Edwards Aquifer Authority.

Director Gary Middleton briefed the board regarding the biennial report from the South Central Texas Water Advisory Committee (SCTWAC) on the effectiveness of the Edwards Aquifer Authority.

Mr. Tom Brown, MRB Group, also offered comments regarding the biennial report.

F. Consent Agenda

**F.1 Approval of previous board meeting minutes
 - Regular Board Meeting - October 13, 2020**

*Approval of previous board meeting minutes
 - Regular Board Meeting - October 13, 2020*

- F.2 Consider recommendation from the Finance/Administrative Committee to amend the 2020 EAA Operating Budget by transferring \$50,000 from the Information Technology Capital Expense to Non-Capital accounts.**

Amend the 2020 EAA Operating Budget by transferring \$50,000 from the Information Technology capital expenses to non-capital accounts.

- F.3 Consider recommendation from the Finance/Administrative Committee to approve amendments to the Edwards Aquifer Authority Bylaws and reapprove Article IX pertaining to the EAA Investment Policy and Investment Strategy.**

Approve the proposed amendment to Section 8.08 to modify the definition of Fixed Assets and adopt Resolution and Order No. 11-20-983 of the Edwards Aquifer Authority Board of Directors reapproving Article IX of the EAA Bylaws, as amended.

[Attached and made a part of these minutes.]

- F.4 Consider recommendation from the Finance/Administrative Committee to declare certain personal property of the EAA to be surplus and to authorize the disposal of the surplus property.**

Adopt Resolution and Order No. 11-20-984 of the Edwards Aquifer Authority Board of Directors declaring certain personal property of the EAA to be surplus and authorizing the General Manager to sell or otherwise dispose of the surplus property.

[Attached and made a part of these minutes.]

- F.5 Consider recommendation from the Finance/Administrative Committee to approve the purchase of disaster recovery hardware and related technology from SHI Government Solutions, in the amount of \$46,921.**

Adopt Resolution and Order No. 11-20-985 of the Edwards Aquifer Authority Board of Directors approving Purchase Order No. 20-17972 between the EAA and SHI Government Solutions for the purchase of disaster recovery hardware and related technology in an amount of \$46,921.

[Attached and made a part of these minutes.]

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

Approve payment to Kemp Smith in the amount of \$53,339.12 for legal services for September 2020.

A motion was made by Secretary Valdivia, seconded by Director Laffere, 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 renewal and extension with Eurofins Xenco, LLC, for analytical laboratory services, in an amount not to exceed \$210,000.

Mr. Bertetti briefed the board regarding approving a one-year renewal and extension of a contract between the EAA and Eurofins Xenco, LLC, for analytical laboratory services.

A motion was made by Director Patterson, seconded by Director Walton, the board adopt Resolution and Order No. 11-20-986 of the Edwards Aquifer Authority Board of Directors approving a one-year renewal and extension of Contract No. 17-869-AM between the EAA and Eurofins Xenco, LLC, for analytical laboratory services, in an amount not to exceed \$210,000, for the period January 1, 2021, through December 31, 2021. The motion passed viva voce.

[Attached and made a part of these minutes.]

G.2 Consider recommendation from the Finance/Administrative Committee to approve the Edwards Aquifer Habitat Conservation Plan FY2020 Funding Application Amendment submitted by the City of New Braunfels.

Mr. Damon Childs, Contract Administrator, briefed the board regarding approving an amendment to the Edwards Aquifer Habitat Conservation Plan FY2020 Funding Application of the City of New Braunfels to transfer \$15,000 between budget items within the currently approved application.

A motion was made by Director Patterson, seconded by Vice-Chairman Youngblood, the board adopt Resolution and Order No. 11-20-987 of the Edwards Aquifer Authority Board of Directors approving an amendment to the Edwards Aquifer Habitat Conservation Plan FY2020 Funding Application of the City of New Braunfels to transfer \$15,000 between budget items within the currently approved application. The motion passed viva voce.

[Attached and made a part of these minutes.]

- G.3 Consider recommendation from the Finance/Administrative Committee to approve the Edwards Aquifer Habitat Conservation Plan FY2020 Funding Application Amendment submitted by the City of San Marcos/Texas State University and associated 2020 EAA Operating Budget amendment.**

Mr. Childs briefed the board regarding approving an amendment to the Edwards Aquifer Habitat Conservation Plan (EAHCP) FY2020 Funding Application for the City of San Marcos/Texas State University increasing the Impervious Cover/Water Quality/LID Conservation Measure (EAHCP § 5.7.6), and amending the 2020 EAA Operating Budget accordingly.

A motion was made by Director Patterson, seconded by Vice-Chairman Youngblood, the board adopt Resolution and Order No. 11-20-988 of the Edwards Aquifer Authority Board of Directors to approve an amendment to the Edwards Aquifer Habitat Conservation Plan (EAHCP) FY2020 Funding Application for the City of San Marcos/Texas State University increasing the Impervious Cover/Water Quality/LID Conservation Measure (EAHCP § 5.7.6) by \$30,000, and amend the 2020 EAA Operating Budget accordingly. The motion passed viva voce.

[Attached and made a part of these minutes.]

- G.4 Consider recommendation from the Finance/Administrative Committee to approve the Edwards Aquifer Habitat Conservation Plan FY2021 Funding Applications submitted by the Edwards Aquifer Authority (\$11,815,625), the City of New Braunfels (\$470,385), and the City of San Marcos/Texas State University (\$1,396,377).**

Mr. Childs briefed the board regarding approving the Edwards Aquifer Habitat Conservation Plan FY2021 Program Funding Applications submitted by the Edwards Aquifer Authority, the City of New Braunfels, and the City of San Marcos/Texas State University, for the purpose of implementing the Conservation Measures and Program Activities as required by the EAHCP.

A motion was made by Director Patterson, seconded by Director Sanborn, the board adopt Resolution and Order No. 11-20-989 of the Edwards Aquifer Authority Board of Directors approving the Edwards Aquifer Habitat Conservation Plan FY2021 Program Funding Applications submitted by the Edwards Aquifer Authority, in an amount not to exceed \$11,815,625; the City of New Braunfels, in an amount not to exceed \$470,385; and the City of San Marcos/Texas State University, in an amount not to exceed \$1,396,377, for the purpose of implementing the Conservation Measures and Program Activities as required by the EAHCP, for the period January 1, 2021 through December 31, 2021. The motion passed viva voce.

[Attached and made a part of these minutes.]

G.5 Consider recommendation from the Finance/Administrative Committee to adopt the annual operating budget for fiscal year 2021 and assessing aquifer management fee and program aquifer management fee rates for 2021.

Mr. Felix Marquez, Executive Director - Administration & Financial Services, briefed the board regarding adopting the annual operating budget for fiscal year 2021, and assessing the aquifer management fee and program aquifer management fee rates for 2021.

A motion was made by Director Patterson, seconded by Vice-Chairman Youngblood, the board adopt Resolution and Order No. 11-20-990 of the Edwards Aquifer Authority Board of Directors adopting the annual operating budget for fiscal year 2021, as amended, and assessing the aquifer management fee and program aquifer management fee rates for 2021, as follows:

**Non-agricultural management fee (General Fund) -- \$50 per acre-foot
Agricultural aquifer management fee (General Fund) -- \$2 per acre-foot
Non-agricultural program aquifer management fee (EAHCP Fund) -- \$34 per acre-foot**

The motion passed viva voce.

[Attached and made a part of these minutes.]

G.6 Consider canvassing and declaring the official result that an election was not held on Tuesday, November 3, 2020, to elect a voting member to the EAA Board of Directors from single-member EAA Director District No. 10 in Hays County.

Mr. Friberg briefed the board regarding canvassing and declaring the official result that an election was not held on Tuesday, November 3, 2020, to elect a voting member to the EAA Board of Directors from single-member EAA Director District No. 10 in Hays County.

A motion was made by Director Patterson, seconded by Director Laffere, the board adopt Resolution and Order No. 11-20-991 of the Edwards Aquifer Authority Board of Directors Declaring the Election for Single-member EAA District Number 10 in Hays County, Texas, was not held on Tuesday, November 3, 2020. The motion passed viva voce.

[Attached and made a part of these minutes.]

- G.7 Consider recommendation from EAA staff to authorize the General Manager to submit a proposal to Quantified Ventures under the Texas Outcomes-Based Finance Challenge to identify and secure potential alternative funding sources for implementation of conservation programs, including those within the Next Generation concept.**

Mr. Friberg briefed the board regarding submitting a proposal to Quantified Ventures under the Texas Outcomes-Based Finance Challenge to identify and secure potential alternative funding sources for implementation of conservation programs, including those within the Next Generation concept.

A motion was made by Director Patterson, seconded by Director Walton, the board authorize the General Manager to take all actions necessary to submit a proposal to Quantified Ventures under its Texas Outcomes-Based Finance Challenge to identify, facilitate, and secure potential alternative funding for implementation of conservation programs, including those within the Next Generation concept. 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:

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 4:43 p.m.

Enrique P. Valdivia
Secretary, Board of Directors

Jennifer Wong-Esparza
Assistant to Board Secretary