



Edwards Aquifer Authority

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

Meeting Minutes Board of Directors

Tuesday, January 12, 2021

5:00 PM

Via Teleconference

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

Chairman Buckner called the meeting to order at 5:00 p.m.

Present: 12 - Director Don Baker, 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

Absent: 1 - Director Fohn Bendele

C. Public comment.

This agenda item was taken out of order and considered after agenda item A.

Mr. Charles Brown, well owner, addressed the board regarding his abandoned well and denied Initial Regular Permit from 2002.

D. Election of Officers for the Board of Directors

D.1 Consider election of EAA board officers.

Chairman Buckner opened the floor for nominations for the election of officers for the Board of Directors.

A nomination was made by Director Yanta to nominate Director Buckner for Chairman of the Board of Directors. There were no further nominations, and no objections. Director Buckner was declared Chairman of the Board of Directors.

A nomination was made by Director Gilleland to nominate Director Valdivia for Vice-Chairman of the Board of Directors.

A nomination was made by Director Miller, to nominate Director Youngblood for Vice-Chairman of the Board of Directors.

Chairman Buckner called for a roll call vote on the nominations for Vice-Chairman of the Board of Directors. Ten directors voted in favor of Director Valdivia (Baker, Buckner, Carington, Gilleland, Krueger, Sanborn, Stroka, Valdivia, Walton, and Yanta), and five directors voted in favor of Director Youngblood (Ellis, Miller, Patterson, Salinas, and Youngblood).

A nomination was made by Director Patterson to nominate Director Ellis for Treasurer of the Board of Directors. There were no further nominations, and no objections. Director Ellis was declared Treasurer of the Board of Directors.

A motion was made by Director Patterson, to nominate Director Youngblood for Secretary of the Board of Directors. There were no further nominations, and no objections. Director Youngblood was declared Secretary of the Board of Directors.

E. Election of Additional Members to the Executive Committee**E.1 Consider election of directors to serve on the EAA Executive Committee.**

Chairman Buckner opened the floor for nominations for additional members to the Executive Committee.

A nomination was made by Secretary Youngblood to nominate Director Patterson as an additional member to the Executive Committee. There were no objections. Director Patterson was declared an additional member to the Executive Committee.

A nomination was made by Director Patterson to nominate Director Sanborn as an additional member to the Executive Committee. There were no objections. Director Sanborn was declared an additional member to the Executive Committee.

F. Election of Members to the Edwards Aquifer Conservancy**F.1 Consider appointment of Edwards Aquifer Conservancy board members.**

Chairman Buckner opened the floor for nominations for election of members to the Edwards Aquifer Conservancy.

A nomination was made by Treasurer Ellis to retain the currently serving members of the Edwards Aquifer Conservancy board (Buckner, Ellis, Laffere, Miller, Valdivia, and Youngblood), with the addition of Director Patterson. There were no further nominations and no objections. Director Patterson was elected to the Edwards Aquifer Conservancy Board.

B. Oath of Office

This agenda item was taken out of order and considered after agenda item F.1.

Chairman Buckner administered the Oath of Office to Director Gary Middleton, SCTWAC Representative to the EAA Board of Directors.

G. General Manager's announcements and reports.**G.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. Roger Andrade, Groundwater Protection Manager, completed 15 years of service with the EAA.*
- *Mr. Joe Gonzalez, Environmental Field Representative, completed 15 years of service with the EAA.*
- *Mr. Roel Loera, Aquifer Protection Coordinator, completed 15 years of service with the EAA.*
- *Mr. Ben Urbanczyk, Environmental Principal Inspector, completed 15 years of service with the EAA.*
- *Mr. Jim Winterle, Director of Modeling, retired from the EAA after nine years of service.*
- *Ms. Jesse Chadwick, P.G., Hydrologic Coordinator, earned her Texas Professional Geoscientist license.*
- *Mr. Paul Bertetti, Director of Aquifer Science, briefed the board on current aquifer conditions.*

H. Treasurer's Report

H.1 Receive report from EAA staff on unaudited financial statements for November 2020.

Treasurer Ellis presented the unaudited financial statements for November 2020.

I. Board Reports

I.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, briefed the board regarding downstream water conditions, and noted that it was cold and wet, the year ended with an increase of rainfall, and hopefully the area would receive more rainfall.

I.2 Receive report from EAA staff on planned modeling activities to assess the potential effects of future climate change.

Mr. Jim Winterle, Modeler Manager, briefed the board regarding the latest global and local climate projections, an assessment of what questions need to be answered in support of the ITP renewal, and the modeling and analyses planned to address those questions.

J. Consent Agenda

**J.1 Approval of previous board meeting minutes
 - Regular Board Meeting - December 8, 2020**

*Approval of previous board meeting minutes
 - Regular Board Meeting - December 8, 2020*

J.2 Consider recommendation from the Executive Committee to approve payment to Kemp Smith for legal services for November 2020.

Approve payment to Kemp Smith in the amount of \$37,877.57 for legal services for November 2020.

A motion was made by Director Miller, seconded by Vice-Chairman Valdivia, the board approve the consent agenda. The motion passed viva voce.

K. Individual Consideration

- K.1** Consider recommendation from EAA staff to ratify the General Manager's approval and execution of Voluntary Irrigation Suspension Program Option forbearance agreements with Uptmore Family Limited Partnership, BNSF Railway Company, Aldridge Nursery, Inc., Howard Schirmer, McCombs Legacy, LTD., Frank A. Ramsey, Kessler Ranch, Ltd., East Medina County Special Utility District, Glenda F. Wade, Hugo and Eva Sanchez, Mark Thomas Huffstutler ETUX Kimberly Fulton Huffstutler, Columbia Realty Limited, Jacqueline N. Tschirhart, Texas Biomedical Research Institute, and Helen Ann Bourquin Hawes for Edwards groundwater withdrawal rights in the total amount of not less than \$284,450.40, and not to exceed \$1,127,266.40 for the Voluntary Irrigation Suspension Program Option in support of the Edwards Aquifer Habitat Conservation Plan.

A motion was made by Vice-Chairman Valdivia, seconded by Director Patterson, the board adopt Resolution and Order No. 01-21-994 of the Edwards Aquifer Authority Board of Directors to ratify General Manager approval and execution of VISPO forbearance agreements for permitted Edwards groundwater rights between the EAA and the permit holders listed below, in the total amount of not less than \$284,450.40, and not to exceed \$1,127,266.40, for the Voluntary Irrigation Suspension Program Option in support of the Edwards Aquifer Habitat Conservation Plan and authorizing the General Manager to execute the Agreements. The motion passed viva voce.

[Attached and made a part of these minutes.]

- K.2** Consider recommendation from EAA staff to ratify the General Manager's approval and execution of ASR springflow protection program forbearance agreements with Farr Investments, LP and Robert J. Grossenbacher for the Aquifer Storage and Recovery Forbearance Program, in support of the Edwards Aquifer Habitat Conservation Plan, in the total amount of \$39,360.00.

A motion was made by Vice-Chairman Valdivia, seconded by Secretary Youngblood, the board ratify General Manager approval and execution of springflow protection program forbearance agreements with the permit holders listed below, 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.

- K.3 Consider recommendation from EAA staff to approve Groundwater Trust Transfer Contracts with KSWB Property Management, LLC, Bexar County WCID No. 10, Mr. Douglas Miller, Elm Creek Owners Association, Mr. Steve M. Tedford, and Los Patios.**

Mr. Chuck Ahrens, Water Resources Manager, briefed the board regarding authorizing the General Manager to enter into Groundwater Trust Transfer Contracts with KSWB Property Management, LLC (4 acre-feet), Bexar County WCID No. 10 (255.325 acre-feet), Mr. Douglas Miller (13 acre-feet), Elm Creek Owners Association (25 acre-feet), Mr. Steve M. Tedford (5 acre-feet) and Los Patios (60 acre-feet). Approval of the contracts would enroll a total of 362.325 acre-feet into the EAA's groundwater trust through December 31, 2021.

A motion was made by Director Patterson, seconded by Secretary Youngblood, the board authorize the General Manager to enter into Groundwater Trust Transfer Contracts with KSWB Property Management, LLC (Permit No. P104-483 - 4 acre-feet), Bexar County WCID No. 10 (Permit No. P107-697 - 255.325 acre-feet), Mr. Douglas Miller (Permit No. P101-873 - 13 acre-feet), Elm Creek Owners Association (Permit No. P101-996 - 25 acre-feet), Mr. Steve M. Tedford (Permit No. P100-224 - 5 acre-feet) and Los Patios (Permit No. P100-591 - 60 acre-feet) for a total trust enrollment of 362.325 acre-feet. The motion passed viva voce.

[Attached and made a part of these minutes.]

- K.4 Consider recommendation from the Executive Committee to approve amendments to the employment agreement with General Manager Roland Ruiz.**

Chairman Buckner briefed the board regarding the employment agreement with General Manager Roland Ruiz. Director Patterson offered positive comments regarding the evaluation of Mr. Ruiz.

A motion was made by Vice-Chairman Valdivia, seconded by Director Patterson, the board amend the employment agreement with Mr. Roland Ruiz, as presented. The motion passed viva voce.

L. Staff Reports

M. 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.

M.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)

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

The board did not consider any recommendations.

O. Discuss items for future board meeting agendas.

The board did not discuss future board meeting agendas.

P. Adjournment.

There being no further business to discuss, the meeting adjourned at 6:24 p.m.

Benjamin F. Youngblood III
Secretary, Board of Directors

Jennifer Wong-Esparza
Assistant to Board Secretary