



Edwards Aquifer Authority

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

Meeting Minutes Board of Directors

Tuesday, February 9, 2021

5:00 PM

Via Teleconference

A. Call to Order – Roll Call.

Chairman Buckner called the meeting to order at 5:05 p.m.

In remembrance of the passing of Director Ron Ellis, the board observed a moment of silence.

Present: 14 - Director Don Baker, Director Fohn Bendele, Director Deborah Carington, Director Austin Bodin, Director Rader Gilleland, Director Kathleen Krueger, Treasurer Byron Miller, Director Carol Patterson, Director Abe Salinas, Director Rachel Sanborn, Vice Chair Enrique Valdivia, Director Gary Middleton, Director Scott Yanta and Secretary Ben Youngblood

B. Interview, select and appoint a candidate for EAA Director District 10

B.1 Interview, select and appoint a candidate to fill the unexpired term for EAA Director District 10.

Mr. Austin Bodin, candidate for Director - District 10, introduced himself and provided some background information. Mr. Bodin answered questions from Director Patterson and Director Salinas.

A motion was made by Director Sanborn, seconded by Secretary Youngblood, the board appoint Austin Bodin to fill the unexpired term for the vacant Director - District 10 position on the EAA Board of Directors. The motion passed without opposition.

C. Administer Oath of Office

Chairman Buckner administered the oath of office to Austin Bodin, Director - District 10.

D. Public comment.

There were no citizens who requested to address the board.

E. Election of vacant EAA board officer position(s).

E.1 Consider election of vacant EAA board officer position(s).

A nomination was made by Secretary Youngblood, seconded by Director Salinas, to nominate Director Miller as Treasurer of the Board of Directors. The motion passed without opposition.

F. General Manager's announcements and reports.

- F.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 has been active with regard to the Next Generation Concept and has attended form and informal meetings engaging partners and has continued to generate interest in the midst of a pandemic.*
- *The Edwards Aquifer Conservancy would meet on Wednesday, February 10.*
- *Legislative House Committee assignments were completed by Speaker of the House Phelan. Rep. Tracy King was named Chairman of the House Natural Resources Committee.*
- *Mr. Paul Bertetti, Director of Aquifer Science, briefed the board on current aquifer conditions.*

G. Treasurer's Report

- G.1** **Receive report from EAA staff on unaudited financial statements for December 2020.**

The board did not have any questions regarding the unaudited financial statements for December 2020.

H. Board Reports

- H.1** **Receive report from EAA staff on the development of the 2021-30 EAA Strategic Plan.**

Mr. Ruiz introduced this item to the board.

Mr. Brock Curry, Deputy General Manager, briefed the board regarding the development of the 2021-30 EAA Strategic Plan. He presented a high-level overview of the content and structure of the Strategic Plan currently under development by staff. The strategic plan document would be formally presented for committee/board consideration and adoption later this year.

I. Consent Agenda

- I.1** **Approval of previous board meeting minutes**
 - Regular Board Meeting - January 12, 2021

Approval of previous board meeting minutes
 - Regular Board Meeting - January 12, 2021

- I.2 Consider EAA staff recommendation to restore limited production well status for the wells owned by Broderick E. and Susan G. Milford dba Fey's Boat and Camper Storage based on the owners' demonstrated ability to pump within annual groundwater withdrawal limits.**

Adopt an Order Vacating the Order Issued on March 10, 2020, Rescinding Limited Production Well Status Pursuant to Section 711.70(b) of the EAA Rules relative to Well No. W107-002 owned by Broderick E. and Susan G. Milford dba Fey's Boat and Camper Storage.

[Attached and made a part of these minutes.]

- I.3 Consider EAA staff recommendation to restore limited production well status for the wells owned by St. George Maronite Catholic Church, based on the owners' demonstrated ability to pump within annual groundwater withdrawal limits.**

Adopt an Order Vacating the Order Issued on June 9, 2020, Rescinding Limited Production Well Status Pursuant to Section 711.70(b) of the EAA Rules relative to Well No. W107-118 owned by St. George Maronite Catholic Church.

[Attached and made a part of these minutes.]

- I.4 Consider EAA staff recommendation to approve a contract renewal with Quacito, LLC, for continued development and maintenance of an EAA website, in an amount not to exceed \$98,962.08.**

Approve a one-year renewal of Contract No. 20-004-AFS between the EAA and Quacito, LLC, for continued development and maintenance of an EAA website, in an amount not to exceed \$98,962.08 for the period March 16, 2021 through March 15, 2022.

- I.5 Consider recommendation from the Finance/Administrative Committee to approve an agreement with Bridgehead IT, Inc., for technology support services in an amount not to exceed \$74,400.**

Approve an agreement with Bridgehead IT, Inc., for technology support services in an amount not to exceed \$74,400, for the period of March 1, 2021 through February 28, 2022.

I.6 Consider EAA staff recommendation to approve payment to Kemp Smith for legal services for December 2020.

Approve payment to Kemp Smith in the amount of \$47,025 for legal services for December 2020.

A motion was made by Vice-Chairman Valdivia, seconded by Secretary Youngblood, to approve the consent agenda. The motion passed without opposition.

J. Individual Consideration

J.1 Consider recommendation from the Executive Committee to authorize staff to negotiate a compliance agreement related to the underground tank system at North Central Baptist Hospital and Tenet Healthcare System.

Mr. Marc Friberg, Executive Director - External & Regulatory Affairs, briefed the board regarding North Central Baptist Hospital / Tenet Healthcare's upcoming deadline for upgrading or removing underground storage tanks (USTs) associated with the hospital's facility.

A motion was made by Vice-Chairman Valdivia, seconded by Director Salinas, the board authorize the General Manager to negotiate a compliance agreement related to the underground tank system at North Central Baptist Hospital and Tenet Healthcare System for board consideration at the March meeting. The motion passed without opposition.

J.2 Consider EAA staff recommendation to approve the Edwards Aquifer Habitat Conservation Plan FY2021 Funding Application Amendment submitted by the Edwards Aquifer Authority and associated 2021 EAA Operating Budget amendment by increasing the Habitat Conservation Plan fund by \$52,000.

Mr. Damon Childs, Contract Administrator, briefed the board regarding an amendment to the Edwards Aquifer Habitat Conservation Plan (EAHCP) FY2021 Funding Application for the Edwards Aquifer Authority increasing the Water Quality Monitoring Conservation Measure (EAHCP § 5.7.2) by \$52,000 and the associated increase to the 2021 EAA Operating Budget Habitat Conservation Plan Fund appropriation for Professional Technical Services for the same amount.

A motion was made by Director Salinas, seconded by Director Patterson, the board adopt Resolution and Order No. 02-21-995 of the Edwards Aquifer Authority Board of Directors to approve an amendment to the Edwards Aquifer Habitat Conservation Plan (EAHCP) FY2021 Funding Application for the Edwards Aquifer Authority increasing the funding request from \$11,815,625 to \$11,867,625 for the Edwards Aquifer Authority and amend the 2021 EAA Operating Budget accordingly. The motion passed without opposition.

[Attached and made a part of these minutes.]

- J.3 Consider EAA staff recommendation to approve the Edwards Aquifer Habitat Conservation Plan FY2021 Funding Application Amendment submitted by the City of New Braunfels and associated 2021 EAA Operating Budget amendment by increasing the Habitat Conservation Plan fund by \$74,000.**

Mr. Childs briefed the board regarding an amendment to the Edwards Aquifer Habitat Conservation Plan (EAHCP) FY2021 Funding Application for the City of New Braunfels increasing the Impervious Cover/Water Quality/LID Conservation Measure (EAHCP § 5.7.6) by \$52,000 and the associated increase to the 2021 EAA Operating Budget Habitat Conservation Plan Fund appropriation for Professional Technical Services for the same amount.

A motion was made by Director Patterson, seconded by Director Sanborn, the board adopt Resolution and Order No. 02-21-996 of the Edwards Aquifer Authority Board of Directors to approve an amendment to the Edwards Aquifer Habitat Conservation Plan (EAHCP) FY2021 Funding Application for the City of New Braunfels increasing the funding request from \$470,385 to \$544,385 for the City of New Braunfels and amend the 2021 EAA Operating Budget accordingly. The motion passed without opposition.

[Attached and made a part of these minutes.]

- J.4 Consider direction to the General Manager to initiate the necessary procedures for filling the vacancy of EAA Director District 5 in Bexar County consistent with EAA Bylaws.**

A motion was made by Director Patterson, seconded by Secretary Youngblood, the board direct the General Manager to initiate the necessary procedures for filling the vacancy of Edwards Aquifer Authority Director District 5 in Bexar County. The motion passed without opposition.

- J.5 Consider amendment to the Joint Funding Agreement for the implementation of the Edwards Aquifer Habitat Conservation Plan by and between the Edwards Aquifer Authority and the Guadalupe-Blanco River Authority, the San Antonio River Authority, the City of Victoria, the City of San Antonio acting through the City Public Service Board, the Guadalupe Basin Coalition, and the Union Carbide Corporation.**

Mr. Ruiz introduced this item to the board.

A motion was made by Director Patterson, seconded by Secretary Youngblood, the board table this agenda item for consideration.

K. Staff Reports

L. 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.

L.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)

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

The board did not consider any recommendations.

N. Discuss items for future board meeting agendas.

The board did not discuss future board meeting agenda items.

Chairman Buckner announced that beginning in March the start time for the board meetings would be 4:00 p.m.

O. Adjournment.

There being no further business to discuss, the meeting adjourned at 5:47 p.m.

Benjamin F. Youngblood III
Secretary, Board of Directors

Jennifer Wong-Esparza
Assistant to Board Secretary