



Edwards Aquifer Authority

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

Meeting Minutes Board of Directors

Tuesday, September 14, 2021

4:00 PM

EAA Board Room

A. Call to Order – Roll Call

Chairman Buckner called the meeting to order at 4:00 p.m.

Present: 11 - Director Deborah Carington, Director Austin Bodin, Director Rader Gilleland, Treasurer Byron Miller, Director Carol Patterson, Director Abe Salinas, Director Randall Perkins, Director Rachel Sanborn, Vice Chair Enrique Valdivia, Director Scott Yanta and Secretary Ben Youngblood

Absent: 4 - Director Don Baker, Director Fohn Bendele, Director Kathleen Krueger and Director Gary Middleton

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. Chuck Ahrens, Director of Water Resources, completed five years of service with the EAA.*
- *Mr. Felix Marquez, Executive Director - Administrative & Financial Services, completed 15 years of service with the EAA.*
- *Mr. Ned Troshanov, Data Analyst, was retiring after 21 years of service with the EAA.*
- *Directors were reminded about the board work session on September 16 and 17.*
- *Staff would be hosting a contingent from the Texas Commission on Environmental Quality at the Field Research Park on Wednesday.*
- *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 August 2021.

Treasurer Miller presented the unaudited financial statements for August 2021.

E. Board Reports

E.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 was not in attendance at this meeting.

E.2 Receive report from EAA staff regarding the Interinformational Flow Study.

The board did not consider this agenda item at this board meeting.

F. Consent Agenda

**F.1 Approval of previous board meeting minutes
 - Regular Board Meeting - August 10, 2021**

*Approval of previous board meeting minutes
 - Regular Board Meeting - August 10, 2021*

F.2 Consider recommendation from EAA staff to approve ASR springflow protection program forbearance agreements with Troy Zinsmeyer and Melissa Zinsmeyer, and M&TZ Properties, LLC, for the Aquifer Storage and Recovery Forbearance Program, in support of the Edwards Aquifer Habitat Conservation Plan, in the total amount of \$57,219.40.

Approve springflow protection program forbearance agreements with Troy Zinsmeyer and Melissa Zinsmeyer, and M&TZ Properties with 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.

- F.3 Consider recommendation from the Aquifer Management Planning Committee to renew and amend a contract with ICF Jones and Stokes, Inc., for the development and preparation of EAHCP Annual Report, in an amount not to exceed \$56,505.**

Approve the renewal and amendment of Contract No. 20-021-TES between the EAA and ICF Jones and Stokes, Inc., for development and preparation of the EAHCP Annual Report, in an amount not to exceed \$56,505, for the period September 15, 2021 through September 14, 2022.

- 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. 09-21-002 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 renewal of interlocal cooperation contracts with the Texas Municipal League Intergovernmental Risk Pool for property and casualty insurance, and for workers' compensation insurance, in the total amount of \$119,242, for the period of October 1, 2021 through October 1, 2022.**

Adopt Resolution and Order No. 09-21-003 of the Edwards Aquifer Authority Board of Directors approving the renewal of interlocal cooperation contracts with the Texas Municipal League Intergovernmental Risk Pool for property and casualty insurance, and for workers' compensation insurance, in the total amount of \$119,242, for the period October 1, 2021 through October 1, 2022, and authorize the General Manager to take any necessary steps to renew the contracts.

[Attached and made a part of these minutes.]

- F.6 Consider recommendation from the Finance/Administrative Committee to approve an arrangement letter with RSM US, L.L.P., to provide independent audit services for fiscal year 2021, in the amount of \$60,500.**

Approve an arrangement letter with RSM US, L.L.P., to provide independent audit services for fiscal year 2021, in the amount of \$60,500, with an option to renew for up to two additional years.

- F.7** Consider recommendation from the Finance/Administrative Committee to approve payment to Kemp Smith, in the amount of \$50,094.04, for legal services for July 2021.

Approve payment to Kemp Smith, in the amount of \$50,094.04, for legal services for July 2021.

- F.8** Consider recommendation from the Finance/Administrative Committee to amend the 2021 EAA Operating Budget by transferring \$247,000 from Public Information Professional Technical Services to Capital Assets, Property Services and Supplies accounts.

Approve amending the 2021 EAA Operating Budget by transferring \$247,000 from Public Information Professional Technical Services to Capital Assets, Property Services and Supplies accounts.

A motion was made by Director Patterson, seconded by Secretary Youngblood, the board approve the consent agenda. The motion passed without opposition.

G. Individual Consideration

- G.1** Consider recommendation from EAA staff to approve water conservation grant contracts in the total amount of \$74,376.83 to Marla Lee Schaefer (\$58,900) and Mark Roberts (\$15,476.83).

Mr. Marc Friberg, Executive Director - External & Regulatory Affairs, briefed the board regarding approving conservation grant contracts with Marla Lee Schaefer and Mark Roberts.

A motion was made by Vice-Chairman Valdivia, seconded by Director Yanta, the board approve conservation grant contracts with: Marla Lee Schaefer (\$58,900); and Mark Roberts (\$15,476.83), and authorize the General Manager to execute the contracts. The motion passed without opposition.

- G.2** Consider recommendation from EAA staff to approve a renewal and extension of an interlocal cooperation contract with the Evergreen Underground Water Conservation District to conduct a Precipitation Enhancement Program, in an amount not to exceed \$175,000.

Mr. Friberg briefed the board regarding approving a one-year renewal and extension of an Interlocal Cooperation Contract between the EAA and Evergreen Underground Water Conservation District to conduct precipitation enhancement activities for the period October 1, 2021 through September 30, 2022.

A motion was made by Vice-Chairman Valdivia, seconded by Director Yanta, the board adopt Resolution and Order No. 09-21-004 approving a one-year renewal and extension of Interlocal Cooperation Contract No. 20-031-ERA between the EAA and Evergreen Underground Water Conservation District to conduct precipitation enhancement activities, in an amount not to exceed \$175,000, for the period October 1, 2021 through September 30, 2022. Director Patterson abstained from the vote on this motion. The motion passed without opposition.

[Attached and made a part of these minutes.]

- G.3** Consider recommendation from EAA staff to approve contracts with Enterprise FM Trust and Enterprise Fleet Management, Inc. for the lease and maintenance of EAA vehicles, in an approximate amount of \$78,000 for the initial nine proposed vehicle replacements.

Ms. Shelly Hendrix, Director/Controller Financial Services, briefed the board regarding approving separate contracts between the EAA, Enterprise FM Trust and Enterprise Fleet Management, Inc., for the lease and maintenance of EAA vehicles.

A motion was made by Director Patterson, seconded by Secretary Youngblood, the board table this agenda item. The motion passed without opposition.

- G.4** Consider recommendation from the Aquifer Management Planning Committee to approve an interlocal cooperation contract with the City of San Antonio for services associated with the City's Edwards Aquifer Protection Program, and associated reimbursement to the EAA totaling \$1,230,705 over the term of the contract.

A motion was made by Director Carington, seconded by Director Patterson, the board approve an interlocal cooperation contract between the EAA and the City of San Antonio for services associated with the City's Edwards Aquifer Protection Program for the period October 1, 2021, through September 30, 2026. The motion passed without opposition.

- G.5 Consider recommendation from the Finance/Administrative Committee to declare real property of the EAA located at 1610 N. St. Mary's Street, San Antonio, Texas, to be surplus and to authorize the disposal of the surplus property.**

A motion was made by Treasurer Miller, seconded by Director Yanta, the board adopt Resolution and Order No. 09-21-005 of the Edwards Aquifer Authority Board of Directors declaring the real property of the EAA located at 1610 N. St. Mary's Street, San Antonio, Texas to be surplus, and authorizing the General Manager to sell or otherwise dispose of the surplus property. The motion passed without opposition.

[Attached and made a part of these minutes.]

- G.6 Consider recommendation from EAA staff to approve a contract with Urban Genesis for the sale of the EAA property located at 1610 N. St. Mary's St., in the amount of \$1,715,000.**

A motion was made by Treasurer Miller, seconded by Director Yanta, the board approve a contract for the sale of the property located at 1610 N. St. Mary's St. to Urban Genesis, in the amount of \$1,715,000. The motion passed without opposition.

H. Staff Reports

- H.1 Receive report from EAA staff on the General Manager's 2022 Proposed Operating Budget.**

Ms. Hendrix briefed the board regarding highlights of the General Manager's 2022 Proposed Operating Budget.

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:

Chairman Buckner closed the meeting to the public at 4:55 p.m.

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)

Chairman Buckner reopened the meeting to the public at 6:18 p.m.

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 6:20 p.m.

Benjamin F. Youngblood III
Secretary, Board of Directors

Jennifer Wong-Esparza
Assistant to Board Secretary