

ENRLS Council Q3 Meeting Minutes – Wednesday, August 5, 2020 – 2:30pm
Zoom Video Conference; Meeting ID 833 0421 8068

I. Welcome and Introductions – Susan Maxwell.

Susan Maxwell opened the meeting at 2:33pm with roll call:

- a. ENRLS Council and Committee Co-Chairs Present via Zoom: Susan Maxwell, Nathan Block, Pete Wahl, Buck Benson, Greg Ellis, Erin Chancellor, Kellie Billings-Ray, Kristen Fancher, Lisa Dyar, Ashleigh Acevedo, Mary Mendoza, David Klein, Steve McMillen, Kimberly Kelley, Walt Shelton, Mike Dillinger, Jon Bull, Aaron Vargas, Heather Palmer.
- b. ENRLS Council Nominees Present via Zoom: Amber Ahmed, Ty'Meka Reeves-Sobers, Paul Sarahan.
- c. ENRLS Council and Committee Co-Chairs Absent: Chris Schlag, Connie Westfall.

The business agenda began with the Secretary's Report.

II. Secretary's Report – Erin Chancellor.

- a. Approval of minutes of the ENRLS Council Q2 Meeting.

Draft minutes for the ENRLS Council Q2 Meeting, held virtually on May 13, 2020, were circulated prior to the meeting. Edits received prior to the meeting were incorporated. No further corrections or edits were offered at the meeting. Pete Wahl moved to approve the minutes. Nathan Block seconded the motion. The minutes were unanimously approved.

- b. Approval of minutes of the ENRLS Council Special Called Meeting.

Draft minutes for the ENRLS Council Special Called Meeting, held virtually on June 12, 2020, were circulated prior to the meeting. Edits received prior to the meeting were incorporated. No further corrections or edits were offered at the meeting. Steve McMillen moved to approve the minutes. David Klein seconded the motion. The minutes were unanimously approved.

III. Treasurer's Report – Pete Wahl.

- a. Year-End Financial Reports Highlights & Amendment of ENRLS Budget for FY2020.

Wahl reported that the ENRLS annual revenue of ~\$282k exceeded Section expenses of ~\$277k, leaving the Section with annual income of ~\$5k. This is typically the point in the year in which there is minimal revenue and a good deal of expense. While there was less revenue than last year by ~\$13k, there was also ~\$23k less in expenses than last year.



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The FY20 budget had anticipated a \$9k deficit. Thus, ENRLS ended FY20 ~\$14k over budget. Wahl's report detailed the budget line-items for which actual revenue or expenses varied by more than \$5k from the budget.

The Section ended the fiscal year with ~\$293k in its bank account, which exceeds the "one year of budgeted operating expenditures" required by the recently enacted ENRLS Internal Financial Controls Policy (Financial Policy).

Wahl further reported that the biggest challenge with the annual budget (and fiscal year) is year-over-year payment timing issues, primarily as it relates to the Johnsons internships stipends and Buck Wynne scholarships payments. The Council may consider future timing parameters for when these amounts are paid, so that fiscal year revenues and expenses are more consistent year-over-year.

In regards to the Johnson internships stipends line item that exceeded the Financial Policy's \$20k budget variance trigger by \$100, Wahl recommended that the Council revise its FY20 budget to increase the line-item for the Johnson internship stipends by the same amount as a decrease in the line-item for the Wynne scholarships for last year.

Maxwell moved to amend the FY20 budget as discussed. Mike Dillinger seconded the motion. The motion was unanimously approved.

This is Wahl's last meeting as the Treasurer, and Dillinger is expected to begin his 2-year term following the ENRLS Annual Meeting.

IV. Committee Reports – Updates & Recommendations.

a. Education Committee.

Superconference 2020 Virtual Program – Lisa Dyar & Mary Mendoza.

As of the time of the meeting, 373 people had registered for Superconference, including Planning Committee members and presenters. After this year's program, the Council will address the venue contract for the 2021 program. In a future meeting, the Council will further discuss lessons learned from the 2020 virtual program experience and how ENRLS interacts with the Superconference Planning Committee.

2021 Changing Face of Water Law Planning Status – Greg Ellis.

Planning for the 2021 program is getting underway. TexasBarCLE has not yet decided whether the program will be in-person or virtual. The planning committee invitations are going out soon, and the committee will meet virtually on August 26, 2020. All speakers should be lined up by late September and brochures should go out in October. The current plan is to keep the normal schedule of the full CLE whether it be in-person



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or virtual, but open for discussion and suggestions can be sent to Greg Ellis. This is Ellis's last year as the ENRLS's conference co-chair.

b. Publications & Communications Committee.

TELJ updates and recommendations – Ashleigh Acevedo & Aaron Vargas, Co-chairs.

Ashleigh Acevedo reported that Volume 50-Issue 1 is almost ready to go out. Volume 50-Issue 2 will be going out for final author edits soon. The team is gearing up for Volume 51. The committee has evaluated potential changes for the development articles portion of TELJ, which are shorter articles meant to provide updates on current developments, prepared by a student paired with a practicing attorney. To make these more flexible and timelier, the articles would be more productive in an online format. Acevedo proposed permanently moving them to the ENRLS website and also removing the password protection for that portion of the website. This will result in cost savings of \$800-\$1k for publishing costs. There will be initial costs for overhauling that portion of the website.

Block moved to shift the development articles online and remove the associated password protection. Wahl seconded the motion. The motion was unanimously approved.

Sponsorship of Essentials of Texas Water Resources (7th edition) – Susan Maxwell.

ENRLS has sponsored the Essentials of Texas Water Resources book since its initial publication by TexasBarBooks, and Mary Sahs is the sole editor of this volume. Since this book is sponsored by a section and published by Texas Bar Books, State Bar policy requires that the royalties go to the Section. About 75 lawyers and other practitioners (many section members) are contributing authors for this publication. It is published every 2 years. On average over this two-year cycle, the Section generates \$3k in royalties, but in most years has also budgeted a stipend (usually ranging from \$1k to \$2k per year) to cover some of the editor's time and costs.

In preparation for the 7th edition, Sahs contacted Maxwell to request that ENRLS relinquish its sponsorship role for the upcoming edition, and thus also the book royalties. Maxwell conferred with TexasBarBooks staff regarding this proposal, who confirmed this is a Council decision and TBB would proceed with the 7th edition either way. Discussion pertained to the merits of Section sponsorship for the 7th edition only; the Section would again revisit this project for any future editions.

Buck Benson moved that ENRLS sponsor the 7th edition of the book and amend the 2020-21 budget to include a stipend of \$1,500 for Sahs. Klein seconded the motion. The motion was unanimously approved.



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- c. Law School Programs Committee – Walt Shelton, Kristen Fancher & Kellie Billings Ray, Co-chairs.

Walt Shelton reported that campus programming is on pause due to COVID-19. In-person programs for Fall 2020 are not expected, but virtual programs may be possible. The Council will consider possibilities for convening its Q4 meeting still in conjunction with a virtual campus program, if possible. Shelton and Jon Bull further reported on plans for the Buck Wynne scholarship program for the fall semester. Kimberly Kelley was recognized for her hard work in her first year as internship coordinator.

- d. Other Committee Updates: Other standing committee updates were incorporated into the discussion on the Superconference virtual program, and no other reports or actions were separately taken.

V. Other Business.

- a. SBOT Responses on Diversity and Inclusion – Susan Maxwell, David Klein.

Klein reported that he had a call with the three ENRLS Executive Committee nominees prior to this meeting, who had proposed that the Section consider establishing a Diversity, Equity, and Inclusion (DEI) Committee within the Section. After a presentation of the item by Klein and the Executive Committee nominees, discussion ensued as to the logistics of establishing a new committee and defining the role of the DEI, in conjunction with potential similar actions under consideration by the State Bar Board of Directors. The Council decided that this idea needs to be discussed and researched further to answer those questions, including forming an ENRLS DEI standing committee, along with priority functions of that committee.

- b. ENRLS Annual Meeting – Susan Maxwell.

This year's meeting will be handled via email, following the initial e-blast to ENRLS members in July, with the second e-blast going out the morning of Friday, August 7, 2020. Voting on the slate of Council nominees will take place online.

- c. Potential Symposium and TELJ Special Issue on Climate Change – Nathan Block.

This topic will be on the Q4 meeting agenda, and Block will send additional information via email.

- d. Final Remarks and Leadership Transition – Susan Maxwell.

As Chair this year, Maxwell wanted to build on initiatives started in the previous year and continue to make progress on those initiatives. The Council thanked her for achieving those goals. She thanked the Council members for their extra efforts to make ENRLS programs successful this year, despite the challenges of the pandemic. Klein





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will serve as the next Chair, and Maxwell will serve as Immediate Past Chair. Block will serve as Chair-Elect, Wahl will serve as Vice Chair, and Chancellor will serve as Secretary.

VI. Adjourn.

The meeting adjourned at 4:29pm.

