

Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Regular Meeting
January 24, 2013

Board members present at commencement: Mary Stone, Gary Franklin, Craig Smith, Bob Larsen and Blake Dorsett. Staff present: Kirk Holland, John Dupnik, Brian Smith, Kendall Bell-Enders, Robin Gary, Dana Wilson and Tammy Raymond. Bill Dugat of Bickerstaff also participated in the meeting. Also present were those on the attached sign-in sheet. These minutes represent a summarized version of the meeting; the complete discussion of the following items is recorded digitally.

1. Call to Order.

Ms. Stone called the meeting to order at 6:05 p.m., noting that a quorum of the Board was present.

2. Citizen Communications (Public Comments).

There were no comments of a general nature.

5. Board Discussion and Possible Action.

5d. Discussion and possible action related to authorizing the process to amend the FY 2013 budget and the fee schedule.

Mr. Holland briefed the Board on the proposed amendments to the budget and fee schedule, and asked for approval to move forward with a Public Hearing.

After discussion, Dr. Larsen moved to accept the budget as proposed as a model for a Public Hearing.

Mr. Smith seconded the motion and it passed with a vote of 5 to 0.

Dr. Larsen moved to set a Public Hearing on the draft revisions to the FY 2013 Fee Schedule as proposed.

Mr. Smith seconded the motion and it passed with a vote of 5 to 0.

3. Routine Business.

- a. **Consent Agenda** Note: These items may be considered and approved as one motion. Directors or citizens may request any consent item be removed from the consent agenda, for consideration and possible approval as an item of Regular Business.

1. **Approval of Financial Reports under the Public Funds Investment Act, Directors' Compensation Claims, and Specified Expenditures greater than \$5,000.**
2. **Approval of minutes of the Board's January 10, 2013, Regular Meeting.**

Mr. Smith moved approval of the consent agenda, noting that there were no invoices over \$5000.

Dr. Larsen seconded the motion and it passed with a vote of 5 to 0.

3b. General Manager's Report. Note: Topics discussed in the General Manager's Report are intended for general administrative and operational information-transfer purposes. The Directors will not take any action on them in this meeting, unless the topic is specifically listed elsewhere in this as-posted agenda.

1. Standing Topics.

- a. **Personnel matters and utilization;**
- b. **Upcoming public events of possible interest;**
- c. **Aquifer conditions and status of drought indicators.**

2. Discussion related to current staff work areas and specific activities of staff teams and directors. Note: Individual topics listed below may be discussed by the Board in this meeting, but no action will be taken unless a topic is specifically posted elsewhere in this agenda as an item for possible action. A Director may request an individual topic that is presented only under this agenda item be placed on the posted agenda of some future meeting for Board discussion and possible action.

- i. **Review of Status Update Report – at directors' discretion.**
- ii. **Update on GMA and regional water planning activities.**

Mr. Holland and staff updated the Board and answered directors' questions on the teams' activities concerning the items listed above.

3.c. Directors' Reports. Note: Board Member comments in this part of the agenda cannot address any aspect of an agenda item posted elsewhere on this agenda, and no substantive discussion among the Board Members or action by the Board on these comments will be allowed in this meeting.

Individual Board Members may, on a voluntary basis, make a brief report to the entire Board on their personal involvement in activities and dialogue that are of likely interest to the rest of the Board, in one or more of the following topical areas:

- **Meetings and conferences attended or that will be attended;**
- **Conversations with public officials, permittees, other stakeholders, and private citizens;**

- **Kudos and recognition of people doing good things for groundwater management in the District;**
- **Concerns about specific issues or problems for groundwater management in the District.**

Ms. Stone and Mr. Franklin gave reports.

4. Presentations.

4a. Assistant General Manager John Dupnik, P.G. will present the results of his Masters thesis on a possible regionalized approach to improving groundwater management in Texas.

Mr. Dupnik gave a presentation on his Masters thesis, and answered questions from the Board.

5. Board Discussion and Possible Action.

5a. Update, discussion and possible action related to the pursuit of the District's legislative agenda, including the specification of what bills the District will select for emphasis in the upcoming legislative session.

Mr. Holland updated the Board on legislative bills.

After discussion, Dr. Larsen moved that the Board of Directors supports HB 340 as modified by the Legislative Council and by the additions from the TCEQ.

Mr. Smith seconded the motion and it passed with

Mr. Smith moved that the Board of Directors supports the draft bill to require TCEQ to conduct a study of wastewater management in the Barton Springs zone.

Mr. Franklin seconded the motion and it passed with a vote of 5 to 0.

5b. Discussion and possible action related to finalizing the roster of the *ad hoc* stakeholder advisory committee for providing input to the Board on its initiative to foster the development of alternative water supplies in the District, and scheduling of the first meeting.

Mr. Holland briefed the Board on the stakeholder advisory committee members that have agreed to serve.

Dr. Larsen moved to approve the alternative water supply stakeholder committee as recommended by staff and provided in the backup, with the exception of Ken Kramer, who had declined, and Mario Tobias, who had not responded to the invitation..

Mr. Smith seconded the motion and is passed with a vote of 5 to 0.

5c. Discussion and possible action related to approving the revisions to the white paper on alternative water supplies to be provided to the stakeholders advisory committee.

Dr. Larsen stated his concern of the words “replacement” and “switching” throughout the paper and would like to see a balance to include “additional water sources”.

After discussion, Dr. Larsen moved to add “and in the course of providing additional water supplies for the region” at appropriate points in the white paper, and approved the paper as so amended.

Mr. Dorsett seconded the motion and it passed with a vote of 5 to 0.

5e. Discussion and possible action related to guidance to staff on possible retirement of permits with wells that have been plugged or abandoned.

Mr. Dupnik requested guidance from the Board on a protocol for addressing wells authorized for production under Historical permits that have been permanently plugged and abandoned. He stated that the “right-sizing” provision that had been added in the recent rule change provided the authority to retire such permits after notification, and an opportunity for a hearing, and described a recommended protocol.

After discussion, Mr. Smith moved approval of the staff recommendation as written on page 73 of the agenda packet, especially to provide notification to the landowner giving them the opportunity for a hearing on the intent to effectively retire their permit.

Mr. Franklin seconded the motion and it passed with a vote of 5 to 0.

5f. Discussion and possible action related to approving certain elements required by a participation agreement with GBRA, Texas Disposal Systems, Walton Development, and Proven Technologies for a desalination demonstration project.

Dr. Larsen briefed the Board on the progress related to the saline Edwards desalination demonstration project at Texas Disposal Systems..

No Board action was taken.

5g. Discussion and possible action related to finalizing the membership of the Management Advisory Committee (MAC) for the District HCP with US Fish and Wildlife Service, and setting the initial tasks for the MAC.

Mr. Holland provided an updated roster of the proposed Management Advisory Committee for the HCP project, noting that all prospective members have confirmed interest.

After discussion, Mr. Smith moved to approve the HCP Management Advisory Committee as proposed in the agenda packet.

Mr. Franklin seconded the motion and it passed with a vote of 5 to 0.

5h. Discussion and possible action related to *City of Kyle v. Goodman et al., and the Barton Springs/Edwards Aquifer Conservation District Cause No. 10-1267, 22nd District Court, Hays County, Texas.*


Mr. Dugat updated the Board on actions related to the lawsuit with the City of Kyle.

No Board action was taken.

6. Adjournment.

Without objection, Ms. Stone adjourned the meeting at 9:14 p.m.

Approved by the Board on February 7, 2013:

By: 
Mary Stone, President

Attest: 
Craig Smith, Secretary