

**Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Regular Meeting
February 12, 2015**

Board members present at commencement: Mary Stone, Craig Smith, Blayne Stansberry, Bob Larsen and Blake Dorsett. Staff present: John Dupnik, Brian Smith, Brian Hunt, Kendall Bell-Enders, Vanessa Escobar and Tammy Raymond. Bill Dugat of Bickerstaff, Heath, Delgado, Acosta 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 6:02 p.m., noting that a quorum of the Board was present.

2. Citizen Communications (Public Comments).

There were no public comments of a general nature.

4. Discussion and Possible Action.

4c. Discussion and possible action related to a request for an Attorney General opinion on regulatory authority of the District.

Mr. Dugat provided an update indicating that the new chair of the Pensions Committee, Representative Dan Flynn, had been contacted by the opinion committee about the need to reaffirm the request. Whether he will request the opinion or not is not known, he said that he would provide updates as news develops.

No Board action was taken.

4a. Discussion and possible action related to approval of an agreement with TxDOT in connection with proposed State Highway 45 Southwest and the Consent Decree and Partial Final Judgment in the matter of Save Barton Creek Association v. Federal Highway Administration (W.D. Tex. 1990).

The Board heard a brief update from staff on the discussions of the subcommittee since the last meeting including the number of comments received in response to the draft agreement.

Ms. Stone called the following members of the public who signed up to speak on this item.

Larry Odom - Citizen
Bill Bunch – Save our Springs Alliance

Pam Baggett – Shady Hollow & South Brodie Neighborhood Alliance

Dr. Larsen stated that more time was needed to consider all of the comments and suggested to postpone action, and return the item to the next agenda on February 26th. He went on to say that the subcommittee will provide recommendations in consideration of the comments received.

After discussion, Dr. Larsen moved to direct Mr. Dupnik to send a request to CTRMA formally requesting that they be a party to the agreement, for approval at their meeting on February 25th.

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

4b. Discussion and possible action related to the Electro Purification Trinity well field located just outside of the District's boundaries including options for inclusion of the area in a Groundwater Conservation District.

Dr. Brian Smith gave an overview of the presentation provided by the District at the town hall meeting in Wimberely, and laid out an outline for an MOU for the short- and long-term technical groundwater evaluation of the proposed pumping in Central Hays County.

Mr. Dupnik then generally discussed the issues that may be associated with annexing the area.

Ms. Stone called the following members of the public who signed up to speak on this item.

Les Carnes – HCWPP
Bill Bunch – Save our Springs Alliance

Ms. Stone stated that the Board would adjourn into executive session as authorized by the Texas Government Code Section 551.071 Consultation with Attorney at 6:56 p.m. Ms. Stone stated that no actions or decisions would be made while in Executive Session.

The Board re-convened into open session at 8:10 p.m. Ms. Stone stated that no actions or decisions were made while in Executive Session.

Mr. Dupnik stated that staff recommended that the Board direct staff to:

1. Authorize the GM to execute an MOU with the cooperating Districts to outline respective responsibilities associated with the Central Hays County Groundwater Evaluation.
2. Send a letter to the EP Hydrogeologist to request cooperation and coordination of an aquifer test compliant with BSEACD aquifer test guidelines to assess the potential impacts of the proposed EP well field production.

Dr. Larsen moved to accept the staff's recommendation as stated by Mr. Dupnik above.

Ms. Stansberry seconded the motion and it passed unanimously with a vote of 5 to 0.

Ms. Stone passed the gavel to Mr. Smith and made the following motion:

The BSEACD supports legislation to establish the proper local regulation of nonexempt groundwater production in aquifers currently outside of the jurisdiction of Groundwater Conservation Districts in Hays County.

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

4f. Discussion and possible action related to pursuit of the District's legislative agenda.

Mr. Brian Sledge and Shauna Fitzsimmons of Sledge Fancher PLLC, provided an overview of bills that have been filed and that may be of interest to the District.

4d. Discussion and possible action related to considering options to allow permit transfers.

Mr. Dupnik described the concept of permit transfers and the request from the City of Buda to allow the City of Kyle to transfer permitted water under the HCPUA water sharing agreement. He provided some additional context describing that the concept was considered in 2011 by the SAC as a strategy for closing the MAG gap and was not recommended under Phase I measures. He further discussed how the concept is described in the Phase II measures which would include limits on the window for permit trades, and some means of providing an aquifer benefit with each transaction.

After discussion, Mr. Smith moved to direct staff to initiate further discussions with the pertinent parties to discuss rule concepts and logistics that would have to be resolved for permit transfers to be utilized, and to use the findings of these discussions to develop rule concepts that would be brought back to the Board for consideration at a future Board meeting.

Ms. Stansberry seconded the motion and it passed unanimously with a vote of 5 to 0.

4e. Discussion and possible action related to the contract with Hicks and Company, Inc. for environmental document preparation purposes.

Mr. Roy Frye, representing Hicks and Company, informed the Board of the work that has been done on the draft EIS and further described what they considered as work that was unanticipated. He also indicated that such work had resulted in a level of effort that exhausted the amount budgeted and contracted by the District to pay for the final deliverable of a final EIS. He indicated that until he heard back from USFW Service he would not know how much work was left to complete.

Mr. Dupnik stated that the District provided a substantial amount of comments which, if addressed, could result in additional work for Hicks & Company.

After discussion, the Board suggested that the item be returned to a future agenda when the additional level of effort was more defined.

No formal action was taken.

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 29, 2015 Regular Meeting.**
3. **Approval of out-of-state travel for District Senior Hydrogeologist, Brian Hunt, to attend workshops, fieldtrips, and present a paper at the International Conference on Groundwater in Karst; 20-26 June 2015, Birmingham, UK.**

Ms. Stansberry moved approval of the consent agenda noting an invoice from Bickerstaff in the amount of \$6009.74 and GMA-10 funding in the amount of \$15,000.

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

3. Routine Business.

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 unless the topic is specifically listed elsewhere in this agenda.)*

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

Mr. Dupnik and staff updated the Board and answered Directors' questions on the items listed above.

2. **Special Topics.** *(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 activities related to GMA and regional water planning**
 - iii. **Update on efforts to characterize the saline zone of the Edwards Aquifer**
 - iv. **Update on activities related to area wastewater projects**
 - v. **Update on the status of the City of Kyle’s remanded permit application**

Mr. Dupnik and staff updated the Board and answered Directors’ questions on the items listed above.

5. Adjournment.

Without objection, Ms. Stone adjourned the meeting at 9:13 p.m.

Approved by the Board on February 26, 2015:

By: Mary Stone
Mary Stone, President

Attest: Blayne Stansberry
Blayne Stansberry, Secretary