

**Barton Springs/Edwards Aquifer Conservation District
Board of Directors Meeting Minutes
Regular Meeting
March 8, 2012**

Board members present at commencement: Mary Stone, Jack Goodman, Bob Larsen and Gary Franklin. Craig Smith arrived at 6:04 p.m. Staff present: Kirk Holland, John Dupnik, Brian Smith, Dana Wilson, Kendall Bell-Enders 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 6:02 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.

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 from the Board's February 23, 2012, Regular Meeting.

Mr. Franklin moved approval of consent agenda items 3a. 1 and 2.

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

4. Regular Business: Board Discussion and Possible Actions.

4a. Discussion and possible action related to a Report of Investigations, Notice of Alleged Violations, and Draft Agreed Order for initiating and resolving enforcement proceedings concerning overpumpage of the Edwards Aquifer and waste of Trinity groundwater by the Oak Forest WSC.

Mr. Joe Vickers updated the Board on the history and status of the Oak Forest WSC wells and answered questions from Board members and staff.

The Board acknowledged both the lack of maliciousness by Oak Forest WSC and commended their conscientiousness in trying to find a solution; but they also remarked on the evident non-compliance with both wells and on its continuing status.

Staff recommended scheduling a pre-enforcement meeting with Oak Forest WSC, Director Stone, and staff within the next 10 days to provide some missing specific information needed to prepare a complete Report of Investigation, an NOAV, and a workable Draft Agreed Order.

After discussion, Dr. Larsen moved to direct staff to establish a pre-enforcement meeting with Oak Forest WSC, with the cognizant Director present, within the next 10 days, to determine the specifics of the amount of pumpage and water use from both wells over the past four months and, as warranted, prepare NOAVs and Draft Agreed Orders for consideration in the next Board meeting, and to keep this item on future agenda's for updates.

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

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

- i. Personnel matters and utilization;**
- ii. Upcoming public events of possible interest;**
- iii. Aquifer conditions and status of drought indicators.**

Mr. Holland updated the Board on the Standing Topics.

2. Special Topics. 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. Update on recent activities of teams and directors.**
- ii. Report on the outcome of the TWDB hearing on the DFC petitions in GMA 9 and related TWDB recommendations.**
- iii. Update on discussions with new landowner of permitted irrigation well and with bankruptcy trustee for non-compliant permittee Don's Grass.**

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

3. Routine Business.

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.**

No Directors offered reports on the items listed above.

4b. Discussion and possible action related to reported and confirmed substantial non-compliance of certain permittees with their UDCPs in February, if any.

Mr. Dupnik stated that there were no UDCP non-compliance events for February that required immediate Board attention.

4c. Discussion and possible action concerning the status of additional funding and other needs for the District's prospective saline-zone hydrogeologic investigation.

Mr. Holland and Dr. Smith updated the Board on the District's attempts to make progress on identifying funding and a responsive course of action for installing monitoring and/or test wells in the saline zone of the Edwards and the underlying Trinity. Mr. Holland stated that it appears increasingly likely that the first well(s) will need to be planned on the basis of being funded by just the District and TDS, although attempts to firm up other funding will continue as well.

The Board accepted the staff recommendation to continue to have dialogue with opinion leaders of Plum Creek CD, and also appear before their Board in its March 20 meeting to solicit a firm commitment of funds that they have budgeted and that could be critical to a more useful saline-zone monitoring well installation.

No formal action was needed by the Board.

4d. Discussion and possible action related to the significance to the District of the recent Texas Supreme Court decision on Day & McDaniel v. EAA.

The Board adjourned into Executive Session under Texas Government Code 551.071 Consultation with Attorney, at 7:23 p.m. on this agenda item Ms. Stone stated that no actions or decisions would be made while in Executive Session.

The Board reconvened in Open Session at 7:47 p.m. Ms. Stone stated that no actions or decisions were made while in Executive Session. No further Board action was taken.

5. Adjournment.

Without objection, Ms. Stone adjourned the meeting at 7:48 p.m.

Approved by the Board:

By: Mary Stone
Mary Stone, President

Attest: Craig Smith
Craig Smith, Secretary